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PATENT  
Docket No. P1230

IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): NOEL LEE                      EXAMINER: ROBERT L. DEBERADINIS  
SERIAL NO.: 09/735,697                      ART UNIT: 2836  
FILED: DECEMBER 12, 2000                      CONFIRMATION NO.: 6750  
CUSTOMER NO: 24,394  
FOR: APPARATUS AND METHOD FOR POWERING MULTIPLE  
PERIPHERAL DEVICES FROM A COLOR-CODED CENTRAL  
POWER SOURCE

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF (37 CFR 41.37)

Dear Sir:

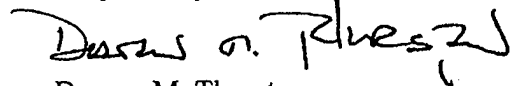
This submission in is response to the Notification of Non-Compliant Appeal Brief (37 CFR 41.37), dated January 27, 2009. The following items have been requested. Applicant/appellant's responses follow and responsive submissions are attached.

<u>Item Requested:</u>	<u>Response:</u>
Appellate brief filed December 19, 2005.	Attached to this response.
Declaration of Noel Lee, filed December 20, 2000.	After a diligent review of the record, it appears that the date is a typographical error. The correct date should be December 12, 2000. The declaration of Noel Lee filed December 12, 2000 is attached to this response.

Declaration of Karen Johnson, filed December 20, 2000.	After a diligent review of the record, it appears that the date is a typographical error. The correct date should be December 12, 2000. The declaration of Karen Johnson filed December 12, 2000 is attached to this response.
Declaration of Albert Mehrabian, dated December 20, 2000.	After a diligent review of the record, it appears that the date is a typographical error. The correct date should be December 12, 2000. The declaration of Albert Mehrabian filed December 12, 2000 is attached to this response.
Wiener, Leonard, "SmarterStrip," U.S. News & World Report, May 5, 1997.	Attached to this response.
Anonymous, "Designer Surge Protectors Debut from Kensington."	Attached to this response.
Brooks, "How to Relabel or Rearrange Keycaps" (webpage).	Attached to this response.
Evidence Appendix, including Pages 44-51.	Revised Evidence Appendix attached to this response. Pages 44-51 are included.

Based upon the attached items and clarification, applicant/appellant respectfully submits the matter for consideration on appeal.

Respectfully Submitted,



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PATENT  
Docket No. P1230

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

APPELLANT: NOEL LEE

SERIAL NO.: 09/735,697

EXAMINER: DEBERADINIS, ROBERT

FILED: DECEMBER 12, 2000

ART UNIT: 2836

FOR: APPARATUS AND METHOD FOR POWERING MULTIPLE  
PERIPHERAL DEVICES FROM A COLOR-CODED CENTRAL  
POWER SOURCE

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**APPEAL BRIEF**

**UNDER 35 U.S.C. § 143(a), 37 C.F.R. § 1.192, and 37 C.F.R. § 1.193(b)(2)**

To the Commissioner:

This is an Appeal Brief arising from the Final Office Action mailed June 14, 2005. Notice of Appeal and a Petition for a Two (2) Month Extension of time were timely filed October 17, 2005 with the requisite fee. The fee payment of five hundred dollars (\$500) accompanies this Appeal Brief.

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**REAL PARTY IN INTEREST**  
**(37 C.F.R. §1.192(c)(1))**

The real party in interest is the assignee of the patent application, Monster Cable Products, Inc., doing business at 455 Valley Drive, Brisbane, California 94005-1209.

**RELATED APPEALS AND INTERFERENCES**  
**(37 C.F.R. §1.192(c)(2))**

On information and belief, no related appeals or interferences are pending.

**STATUS OF CLAIMS AND SUMMARY OF PROSECUTION HISTORY**  
**(37 C.F.R. § 1.192(c)(3))**

This continuation application (US 09/735,697), claiming priority to US 60/070,317 via US 09/735,697, was filed with Claims 8-9, 11-12, 14-15, 17-18, 20, 23, and 26. A Preliminary Amendment, canceling Claims 8-9, 11-12, 14-15, 17-18, 20, 23, and 26 and adding Claims 29-40, was also therewith filed. Subsequently, the then-Examiner, Sharon Polk, issued a final Office Action on August 28, 2001, maintaining her objection of Claims 37, 39, and 40, under 37 C.F.R. § 1.75(c), and her rejection of Claims 29-40, under 35 U.S.C. § 112, 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a). A Response to the August 28, 2001, final Office Action was filed on October 5, 2001.

Examiner Sharon Polk then reopened prosecution and issued a second final Office Action on November 5, 2001, wherein she withdrew her grounds for objection of the claims on the basis of 37 C.F.R. § 1.75(c), as well as her grounds for rejection of the claims on the bases of 35 U.S.C. § 112 and 35 U.S.C. § 102(b), but maintained her rejection of Claims 29-40 under 35 U.S.C. § 103(a). A Notice of Appeal was filed December 11, 2001, for Claims 29-40 and an Appeal Brief was filed February 8, 2002.

Subsequently, Examiner Sharon Polk reopened prosecution for a second time via a Telephonic Action on April 8, 2002. Thereafter, she issued a non-final Office Action on May 6, 2002, wherein Claims 29-40 were rejected. However, she implicitly withdrew the previously cited references, Dwight (i.e., Kensington) (US Des. 401,220) and Barna (US 5,775,935), as grounds for rejection of the claims on the basis of 35 U.S.C. § 103(a). She then maintained her rejection of Claims 29-40 relying only on Lee (US 5,589,718) in view of Sunabe (US 5,366,250)

under 35 U.S.C. § 103(a).

An In-Person Interview was conducted on May 22, 2002, by the Applicant's Attorney, Mr. F. David LaRiviere, with Examiner Sharon Polk and her Supervisory Patent Examiner Brian Sircus, during which Supervisory Patent Examiner Brian Sircus suggested that the Applicant amend the claims to positively recite that "the relationship between color and alpha [i.e., the peripheral device] can be changed" as shown in the Interview Summary of the same date. A Response to the May 6, 2002 Office Action was on filed September 5, 2002, wherein Claims 29-40 were canceled, without prejudice, and Claims 41-48 were added which positively recited that "the relationship between color and alpha [i.e., the peripheral device] can be changed" as suggested by the Supervisory Patent Examiner. The case was then referred to "Sensitive Applications Division" of the USPTO, according to the Supervisory Patent Examiner in a telephone conference on December 29, 2002. The case was referred back to Examiner Sharon Polk who issued yet another final Office Action on January 16, 2003.

An Amendment After Final Rejection was submitted on March 13, 2003. A Telephonic Interview was conducted on April 9, 2003 during which Examiner Polk indicated that she was unable to locate the March 13, 2003 Response, as well as the PTO file. The Applicant's Attorney advised her that the return acknowledgment postcard had been received from the PTO for the March 13, 2003, Response. A copy of the March 13, 2003 Response was subsequently transmitted by facsimile to Examiner Polk on the same day.

No further action by Examiner Polk was received by Applicant's Attorney. Therefore, a Request for Reinstatement of the Appeal was filed on May 13, 2003. By August 19, 2003, no further action by the USPTO nor by the Board of Patent Appeals and Interferences prompted a telephone call to Examiner Polk by the Applicant's Attorney. Examiner Polk returned the telephone call on August 21, 2003, and indicated that she was "working on it." However, the Applicant's Attorney was unable to determine whether "working on it" meant a reopening of prosecution or the preparation of an Examiner's Answer under the Appeal. With yet no further action on the case by October 2003, the Applicant's Attorney filed a Status Inquiry Letter in the USPTO on October 1, 2003, and telephoned the Supervisory Patent Examiner Brian Sircus on November 6, 2003, seeking some indication of the present application's status. Supervisory Patent Examiner Brian Sircus returned that call on November 12, 2003, to report that Examiner Polk intended to reopen prosecution once more and that she would be contacting us

telephonically. As no telephonic communication from Examiner Polk was received, the Applicant's Attorney placed another telephone call to Supervisory Patent Examiner Brian Sircus on November 14, 2003, during which he advised the Applicant's Attorney that Examiner Polk was not in the office for several days and that she would contact the Applicant's Attorney on November 17, 2003. Again, no communication was received from Examiner Polk as anticipated. The Applicant's Attorney made yet another telephone call to the Supervisory Patent Examiner on November 18, 2003.

Examiner Polk never called the Applicant's Attorney. Instead, she reopened prosecution and issued an Office Action on November 28, 2003, which was received by the Applicant's Attorney on December 1, 2003. The Applicant's Attorney found it necessary to call the Supervisory Patent Examiner on December 2, 2003, to request a copy of a missing non-patent reference cited in Examiner Polk's November 28, 2003, Office Action.

In a telephone conference with the Supervisory Patent Examiner on December 3, 2003, the Applicant's Attorney was advised that Primary Examiner Greg Toatley would assume responsibility for the case as Examiner Polk would no longer be in the employ of the USPTO. A Telephonic Interview was conducted on January 27, 2004, followed by an informal Response to Office Action filed on January 30, 2004. A second Telephonic Interview was conducted on February 4, 2004, with Primary Examiner Toatley, during which amendment to the claims was proposed. A formal Response to Office Action was filed on March 26, 2004, including an amendment to the claims consistent with those proposed during the February 4, 2004, Telephonic Interview. In that amendment, Claims 41-48 were canceled, without prejudice, and Claims 49-62 were added. On April 15, 2004, the Applicant's Attorney made a telephone call to the Primary Examiner to verify receipt of the March 26, 2004, Response to Office Action and to confirm receipt of the Acknowledgment Postcard on April 2, 2004. Primary Examiner Toatley stated that he had not received the Response and requested a fax copy of it. An In-Person Interview was conducted with the Primary Examiner on May 10, 2004, by Mr. F. David LaRiviere; and a corresponding Interview Summary was issued on May 12, 2004. On June 22, 2004, the Applicant's Attorney called Examiner Toatley regarding the March 26, 2004, Response to Office Action, during which Examiner Toatley reported that he had been promoted and that yet another examiner, Primary Examiner Robert DeBeradinis, would assume responsibility for the case.

By September 2004, as no further action was rendered by the USPTO on the case, the

Applicant's Attorney telephoned the new examiner, Examiner DeBeradinis, on September 1, 2004. Telephonic Interviews were conducted on September 2, 2004, and September 7, 2004, during which further amendment to the claims was proposed in the belief, once again, that such amendment would place the application in condition for allowance. A Supplemental Amendment Response to Office Action was filed on September 22, 2004, wherein Claims 49, 56, and 58-61 were not substantially amended. Another Telephonic Interview was conducted on October 21, 2004, during which Examiner DeBeradinis indicated allowability of the claims. A telephone conference was conducted with Examiner DeBeradinis on October 28, 2004, during which Examiner DeBeradinis indicated that a Notice of Allowance would issue. On November 3, 2004, another telephone conference was held with Examiner DeBeradinis, during which he indicated that the Supplemental Amendment required further revision only as to informalities which is also shown in the October 28, 2004, Notice of Non-Compliant Amendment. On November 12, 2004, a Revised Supplemental Amendment Response to Office Action was filed in compliance with the October 28, 2004, Notice of Non-Compliant Amendment.

Having neither received a Notice of Allowance nor a Notice of Allowability by January 2005, the Applicant's Attorney consulted the USPTO online PAIR System on January 24, 2005. The PTO electronic record indicated that a Notice of Allowability had indeed issued on November 15, 2004, but was never received by the Applicant's Attorney (See Exhibit A).

However, on January 25, 2005, the electronic record of the November 15, 2004, Notice of Allowability was deleted from the USPTO PAIR System (See Exhibit B). Instead, on January 31, 2005, the Applicant's Attorney received yet another Office Action dated January 25, 2005, wherein Claims 49-62 were rejected, citing a primary reference, Dwight (i.e., Kensington) (US Des. 401,220) and a secondary reference Barna (US 5,775,935), as grounds for rejection of the claims on the basis of 35 U.S.C. § 103(a). Both of these references were previously cited and withdrawn by Examiner Polk in the May 6, 2002, non-final Office Action, over three (3) years ago.

A Telephonic Interview was conducted on February 9, 2005, by Mr. F. David LaRiviere for the purpose of pointing-out to Examiner DeBeradinis that both Dwight and Barna had already been previously cited and withdrawn by Examiner Polk, to which Examiner DeBeradinis replied that he was unaware of that part in the file history. He further stated that he had decided to conduct an independent search of the prior art, without acknowledging the previous allowability



of the claims, which resulted in Dwight and Barna being reasserted in the outstanding Office Action. In that Telephonic Interview, Examiner DeBeradinis also agreed to reconsider the application in light of the Response of March 13, 2005 and in light of the file history. The Final Rejection was mailed June 14, 2005. A subsequent Telephonic Interview with Examiner DeBeradinis was conducted by Patent Attorney Don R. Mollick on July 26, 2005 at which time claim amendments under 37 § CFR 116 were suggested and rejected. Examiner DeBeradinis stated that the present application could not possibly be allowed without another appeal since according to the Examiner allowing the application would give Applicant an "unfair advantage over its competitors." It is noteworthy that Applicants competitors released similar products in response to Applicant's products which use the claimed invention. The time for response was extended and notice of appeal filed October 17, 2005

The present continuation patent application has been in long, protracted, and piecemeal examination for more than six (6) years and has received at least nine (9) office actions in the continuation case alone, excluding many office actions in the parent case. The priority document, a provisional patent application (US 60/070,217), was filed on January 2, 1998, and its corresponding non-provisional patent application (US 09/221,761) was filed within one year on December 28, 1998. The Applicant believes that Claims 49-62, being substantially similar to the claims pending at the time of the May 6, 2002, non-final Office Action, are in condition for allowance and, alternatively for appeal.

#### **STATUS OF AMENDMENTS (37 C.F.R. §1.192(c)(4))**

No Amendment After Final Rejection nor Amendment After Second Final Rejection has been submitted. The Applicant believes that independent Claims 49 and 58, as filed, fully encompasses all of the inventive features as set forth in the Specification and are allowable.

#### **SUMMARY OF CLAIMED SUBJECT MATTER**

The subject matter of independent claim 49 is found at, page 3 of the specification lines 12 through 24 and pages 5 line 23-page 6 line 16 and figure 2 and 3 of the drawings numbers 20N and 23 (a, b, c, d, e,...n).

The subject matter of independent claim 58 is found at page 3 line 29 through page 4 line

6 of the specification and figures 1-8 of the drawings

**SUMMARY OF INVENTION**  
**(37 C.F.R. §1.192(c)(5))**

With the many possible combinations/permutations of electronic components (e.g., TV, VCR, DVD, etc.) available today, the consumer usually finds himself in a “confusing tangled mess” with respect to handling and managing all the cords emanating from them. Such is the problem with prior art “plain” plug strips, which provide no identifying information at all, where the average consumer needed superior memory to recall the electrical connections which were made long ago or superior vision to see those connections from any notable distance made between the plug strip and the equipment being plugged. Further, prior art means for tagging of electronic equipment were easily worn or dislodged. See Appendix B for an illustration of the prior art plug strip problems.

Imagine a typical user confronted with the scenario as follows: the power strip is under a bed, desk or behind an entertainment center under dim or no lighting conditions. Plugged into the power strip is a computer CPU, game console, stereo amplifier/receiver, tape deck, DVD player, CD player, turntable, powered speaker system, subwoofer, iPod charger/dock, VCR player, projection monitor, printer, cable modem, network hub/firewall, wireless router, scanner, wireless keyboard mouse power cord and a desk lamp. The modem is experiencing buffer overflow and needs to be disconnected and restarted but has no on/off switch. The consumer is aware that if the CPU is disconnected there is a chance of destroying the hard disk drive with data loss as well as loss of an expensive component. Similarly, if the projection monitor is unplugged without going through a proper shutdown protocol there is a distinct possibility of destroying the projection bulb which costs \$400. The options are shutting down the whole system according to the proper procedures or guessing which plug to pull and taking your chances with large consequences at risk. The internal monologue when deciding which plug to pull is often to the level of “Do you feel lucky? Well do you?” This problem faces millions of consumers at least monthly.

Solving these prior art problems, the claimed invention is basically a solid color-coded plug strip for supplying power to many pieces of electronic equipment, such as one would require in a home computer system (e.g., computer, printer, scanner, modem, etc.), a home theater system

(e.g., TV, VCR, DVD, etc.), a home sound system CD, receiver, LP turntable, cassette player, P/A systems, electronic musical instruments, etc.), and a home security system (e.g., alarm system, surveillance equipment such as closed circuit television, CCTV, infrared sensor such as IR camera, motion detector, electronic gate motor, intercom, etc.). The solid color coding of the present invention comprises solid colored areas on and surrounding each outlet. The claimed color coding, takes into consideration the human factors engineering principles and practical problems involved in setting-up and maintaining any of the foregoing electronic home systems for the typical consumer who may not have a background in electrical engineering. The solid color coding on the plug strip is substantially more prominent to the human eye than the cited art colored rings or stripes. The solid colors on the plug strip allow the consumer to easily see the connection, even from a distance without having to remember, squint, or predict that connection. See Appendix B for an illustration of the present solid color coded plug strip solution to the prior art problems.

The outlet areas of a prior art plain plug strip may be retrofitted by solid colored stickers comprising a retrofitting kit according to the present invention. Thus, the solid colored areas of the present invention plug strip may have their colors changed to suit the consumer by likewise retrofitting the strip with the solid colored stickers. Therefore, the present invention provides nearly unlimited flexibility by allowing the consumer to customize his electronic “hook-ups” without “hang-ups.” Since the color-coding is applied to a plug strip rather than to a specialized electronic apparatus, the user may connect any peripheral device to any outlet with any interconnect that he so chooses. In this way, the present invention allows the consumer to define desired color coding by applying optional color coding stickers.

The optional easy-to-use color coding retrofitting kit according to the present invention may include color coded cords, color coded stickers, and color coded indicia which allows the consumer to retrofit a prior art plain plug strip or to reassign the colors of the claimed solid color coded plug strip as he/she so desires. The color coded stickers and the color coded indicia may be adhered to plain prior art cords and to the electronic component. The color coded indicia have information (e.g., symbols, numbers, words, or acronyms) printed thereon about many types of consumer electronic equipment, enabling the consumer to easily further identify his electronic connection and the particular electronic component.

The present invention, as defined in the claims, is illustrated in Figures 2 and 3 of the Drawings and is described in the Detailed Description of the Invention beginning on page 6, line 27 of the continuation application. In one embodiment of the invention, the AC power distribution apparatus comprises: a solid color coded power strip apparatus 20N; a plurality of color coded power cords 35, 45, 55, (2) 45x, and 55x; and a plurality of color coded indicia elements  $I_{cx}$ . The power strip apparatus also comprises a housing with a plurality of AC outlet portions C1, C2, C3, C4, C5, ..., CX corresponding to outlet receptacles 23 (a, b, c, d, e, ..., n) for providing AC power to the same plurality of peripheral electrical devices. Each AC outlet housing portion is colored with a first color that is different from another AC outlet housing portion. The plurality of power cords comprise a power cord colored to match said first color. The remaining power cords of the plurality of power cords, comprise power cords colored to match each of the other colors on the power strip 20N. The indicia elements are, by example, an adhesive-backing type label having a color that matches the color of the power cord and the corresponding color of the AC outlet housing portion. The indicia elements  $I_{cx}$  also comprise identifying information (e.g., words, acronyms, numerals, and symbols) about the peripheral device to be powered.

Another embodiment of the present invention comprises a retrofitting kit. This kit comprises a plurality of indicia element sets for labeling a respective power strip AC outlet portion CX, power cord terminals, and the peripheral device to which AC power is desired to be distributed as well as stickers for retrofitting the portions CX. The kit is also then useful in retrofitting an after-market AC power strip product.

The presently claimed method consists of the steps of providing the color coded power strip, the color coded power cords, and the color coded indicia elements with identification of the peripheral device 30 and systematically assigning a color to a particular peripheral device 30 to which that particular color is to be associated, and then attaching the color coded power cable to the corresponding AC outlet portion CX on the AC power strip 20N. Alternatively, the present method may be that of providing the kit with indicia elements  $I_{cx}$  and assigning a particular color to a peripheral device 30, then applying the indicia element  $I_{cx}$  to the power strip AC outlet portion CX, the power cord terminal ends (e.g., 55a, 55b) and to the particular peripheral device 30.

**ISSUES**  
**(37 C.F.R. § 1.192(c)(6))**

- I. Whether Claims 49, 52, 56-62 are unpatentable, under 35 U.S.C. § 103(a), over Dwight (US Des. 401,220), in view of Barna (US 5,775,935).
- II. Whether Claims 50, 51, 54, and 55 are unpatentable, under 35 U.S.C. § 103(a), over Dwight (US Des. 401,220), in view of Barna (US 5,775,935), and in further view of Liner (US 5,708,554).
- III. Whether Claim 53 is unpatentable, under 35 U.S.C. § 103(a), over Dwight (US Des. 401,220), in view of Barna (US 5,775,935), and in further view of Crane (US 5,899,761).
- IV. Whether the present application should be treated as “special” by the examiner under MPEP § 707.02.
- V. Whether the rejection of previously allowed Claims 49-62 is improper under MPEP § 706.04.
- VI. Whether the rejection of previously allowed Claims 49-62 is improper under MPEP §§ 2125 and 2126.

**GROUPING OF CLAIMS**  
**(37 C.F.R. §1.192(c)(7))**

The claims do not stand nor fall together.

**ARGUMENT**  
**(37 C.F.R. §1.192(c)(8))**

**INTRODUCTORY REMARKS**

The Applicant notes that the Examiner, by conducting his own independent prior art search and applying his findings in the outstanding Office Action, has abandoned the previous grounds for objection to the claims, under 35 U.S.C. § 112 and 37 C.F.R. § 1.75 as well as the previous grounds for rejection of the claims, under 35 U.S.C. § 102(e), citing Friesen (US 6,496,884), under 35 U.S.C. § 103(a), citing Friesen (US 6,496,884), in view of Brooks (webpage entitled “How to Relabel or Rearrange Keycaps”), and under 35 U.S.C. § 103(a), citing Lee (US 5,589,718), in view of Friesen (US 6,496,884), and in further view of Brooks (webpage entitled “How to Relabel or Rearrange Keycaps”). Claims 49-62 were amended on November 12, 2004, in the Revised Supplemental Response to Office Action, based on the understanding that they were to be allowed thereafter, notwithstanding the Applicant’s continuing belief that

the claims would have been allowable as originally filed.

The claims have not been substantially amended since the time of the May 6, 2002, non-final Office Action. Accordingly, the Applicant respectfully asserts that no claims have been narrowed within the meaning of *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.* (Fed. Cir. November 29, 2000).

The Examiner admitted the Declarations of the Applicant Noel Lee and of Retailer Karen Johnson on commercial success but, did not consider them to be persuasive due to a claimed lack of a nexus between the claimed invention and commercial success. The Declaration of the Applicant Noel Lee was also discounted due to a claimed lack of diligence between date of conception and reduction to practice. Applicant respectfully suggest that this is an impermissible shifting of the burden of proof and that these topics are asserted in the Declarations.

Claims 49-62 are believed to be fully supported by the specification, and are believed to be in allowable form. Alternatively, the claims are believed to be in form for appeal. Thus, favorable consideration of the present continuation application is respectfully requested in light of these remarks.

**I. Whether Claims 49, 52, 56-62 are unpatentable, under 35 U.S.C. § 103(a), over Dwight (US Des. 401,220), in view of Barna (US 5,775,935).**

**A. Specific nature of the rejection.**

Claims 49, 52, 56-62 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Dwight (US Des. 401,220), in view of Barna (US 5,775,935). The subject matter of Dwight, the primary reference, has been previously as a product review article by Leonard Wiener, entitled "SmarterStrip," U.S. News & World Report, published May 5, 1997, and as an anonymous article, entitled "Designer Surge Protectors Debut from Kensington," *Twice*, published April 7, 1997, which discloses "... color coded sockets and matching identification rings to be placed on the electrical device that is plugged into it." [Emphasis added.] (November 5, 2001, Office Action, para. 9). By the Examiner's own cited art, Dwight, or the colored "labels" of the Wiener article have been further described as colored rings by the "Twice" article. Both Wiener and Twice teach the same subject matter of Dwight.

That Dwight has been previously cited and withdrawn may be understandably unclear to the current Examiner, given the long file history. Indeed, the "Twice" article even includes a

photograph showing the same “colored rings” around each outlet. Further, the Assignee in Dwight, i.e., ACCO Brands, Inc., as apparent from the face of the patent, is the parent company of Kensington Technology Group which manufactures and markets the Kensington product (See Exhibit C). Barna, the secondary reference, merely teaches a credit card terminal with a patterned colored template over non-identical ports and has been also previously cited as reflected the record.

A review of the record will show that Examiner Polk withdrew the antecedent references, Dwight and Barna, in her Office Action dated May 6, 2002. Thus, these references have already been considered with respect to the currently pending claims, which are substantially the same as those reviewed.

**B. Analysis of the patentable distinctions between the present invention and Dwight (US Des. 401,220), i.e., the Kensington reference (i.e., the article by Leonard Wiener, entitled “SmarterStrip,” U.S. News & World Report, published May 5, 1997), even in view of Barna (US 5,775,935), in light of the evidence.**

**1. Relevant case law with respect to application of 35 U.S.C. § 103(a).**

A long line of cases circumscribe this type of §103(a) rejection. *In re Jones* (1992), further defines the rule of *In re Fine* (1988):

Before the PTO may combine the disclosures of two or more prior art references in order to establish prima facie obviousness, there must be some suggestion for doing so .... *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598-99 (Fed. Cir. 1988). [at 1943]

... the combination ... is not an extraordinary invention; it is deceptively simple. However, simplicity alone cannot be determinative of obviousness. See *Gentry Galley, Inc. v. Berkline Corp.*, 143 F.3d 1473, 1478 [45 USPQ2d 1498] (Fed. Cir. 1998); See also *In re Oetiker*, 977 F.2d 1443, 1447 [24 USPQ2d 1443] (Fed. Cir. 1992) (“Simplicity alone is not inimical to patentability.”). The standard of obviousness is not whether in hindsight, it seems elementary that someone would have combined these certain elements in the prior art to form the invention in question. .... It is insufficient to prove that at the time of the claimed invention, the separate elements of the device were present in the known art. Rather, there must have been some explicit teaching or suggestion in the art to motivate one of even ordinary skill to combine such elements so as to create the same invention. See *Arkie Lures, Inc. v. Gene Larew Tackle, Inc.*, 119 F.3d 953, 957 [43 USPQ2d 1294] (Fed. Cir. 1997).

The prior art must provide one of ordinary skill in the art the motivation to make the proposed molecular modifications needed to arrive at the claimed compound.  
[at 1944] [emphasis added]

The Examiner has apparently utilized the claimed invention's simplicity in arriving at the §103(a) rejection of the claims under the guise of "permissible hindsight." *In re McLaughlin* held: "... the test for combining references is not what the individual references themselves suggest but rather what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art." *In re McLaughlin*, 170 USPQ at 212 (1971). The Court there further REVERSED the Board's decision as to Claim 15, basing the reversal on a Rule 1.132 affidavit submitted by the Applicant: "The evidence, comprising two affidavits and a series of exhibits, indicates that the invention has been commercially successful and that its concept was promptly adopted by a competitor. Recognizing that the inference of obviousness drawn from the prior art disclosures is only prima facie justification for drawing the ultimate legal conclusion that the claimed invention is unpatentable under 35 U.S.C. 103, it is imperative that such secondary considerations also be evaluated in determining the final validity of that legal conclusion. .... We emphasize that such is true even where, as here, the claimed invention involves only relatively simple mechanical concepts. .... 'A patentable invention, within the ambit of 35 U.S.C. 103, may result even if the inventor *has*, in effect, merely combined features, old in the art, for their own purpose, without producing anything beyond the results inherent in their use.'" *In re McLaughlin*, 170 USPQ at 212 (1971) [Emphasis added].

In the instant case, the Examiner has pointed to only individual features of the claimed invention in the individual references. However, the Examiner has not shown that the combination of the disclosures taken as a whole suggest the claimed invention. Even if the concept of color-coding, in general, has been known, the concept of solid color-coding has never been applied to substantially identical outlets of a plug strip apparatus until the present invention. The Examiner has yet to show that "a person of ordinary skill in the art," the relevant art would have thought to combine (1) a solid color-coding system with (2) substantially identical outlets on a plug strip apparatus. Another advantage of the present invention is that each substantially identical outlet could receive plugs which are substantially identical as well as if they were simply color-coded for association with a particular outlet.

The Applicant further respectfully requests that the Board of Appeals reconsider the



Declaration of the Applicant Noel Lee, of record, which testifies to commercial success on the order of 458,010 units sold worth \$8,857,605.13 in wholesales in one year as well as to the nexus between this commercial success and the merits, i.e., color-coding the plug strip, the claimed features of the present invention, and the Declaration of Retailer Karen Johnson, which testifies to commercial success on the order of 31,657 units sold worth \$1,487,796.83 in retail sales in one year as well as to the nexus between this commercial success and the merits, i.e., the solid color-coding of the substantially identical outlets of the plug strip, of the claimed invention. Further, like as in the facts of *McLaughlin*, the concept was promptly adopted by the competitor Kensington (ACCO), i.e., Dwight, as demonstrated by the Declarations of the Applicant Noel Lee (para. 6 of both Declarations). Indeed, former Examiner Polk, in the November 5, 2001 second final Office Action (para. 4), concedes that the Declarations of Noel Lee and Karen Johnson “may be persuasive regarding commercial success and long felt need.” Furthermore, the evidence of record suggests that Kensington actually acquired the invention from a former employee of the present invention’s Assignee.

Furthermore, full weight should have been given to Expert Witness Dr. Mehrabian’s Rule 1.132 Declaration, which states that there is a “substantial advantage in using solid colors of high chroma” and which supports patentability in that “expected beneficial results are evidence of obviousness just as unexpected results are evidence of unobviousness.” *In re McLaughlin* also held that “[a] patentable invention, within the ambit of 35 U.S.C. 103, *may* result even if the inventor *has*, in effect, merely combined features, old in the art, for their own purpose, without producing anything beyond the results inherent in their use.” Therefore, even if the combination of the instant claimed elements only produced results “inherent in their use,” i.e., “expected beneficial results,” as is asserted by the Examiner, the Applicant respectfully submits that this circumstance would not and does not preclude patentability under *McLaughlin*.

Further, *In re Fritch*, 922 F.2d 1260, 23 USPQ.2d 1780 (Fed. Cir. 1992), held:

Mere fact that prior art may be modified to reflect features of claimed invention does not make modification, and hence claimed invention, obvious unless desirability of such modification is suggested by prior art .... [at 1780] [emphasis added]

The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification. *In re Gordon*, 733 F.2d at 902, 221 USPQ

at 1127. [at 1783] [emphasis added]

More recently, *Winner International Royalty Corp. v. Wang*, No. 96-2107, 48 USPQ2d 1139 (D.C.D.C. 1998) has reinforced the foregoing rule, that the motivating suggestion must be explicit, in holding:

... invention cannot be found obvious unless there was some explicit teaching or suggestion in art to motivate one of even ordinary skill to combine elements so as to create same invention. [at 1140] [emphasis added]

... there must have been some explicit teaching or suggestion in the art to motivate one of even ordinary skill to combine such elements so as to create the same invention. [at 1444] [emphasis added]

On November 2, 2000, a rejection of claims under 35 U.S.C. §103 was reversed by the U.S.P.T.O. Board of Patent Appeals and Interferences in *Ex Parte Yamamoto*, 57 USPQ2d 1382, 1384, on the ground that the examiner's mere conjecture and speculation (e.g., the Examiner's assertion of "common sense and common knowledge"), that one of ordinary skill in the art would have considered a prior art composition used for stabilizing higher aliphatic aldehyde compounds to also be useful for stabilizing the Applicant's claimed functional-group-containing compounds, are *insufficient for making an obviousness rejection*. Even more recently, *In re Zurko*, 59 USPQ2d 1697, 1698 (CAFC), decided on August 2, 2001, prior to the August 28, 2001, final Office Action, reversing the Board's decision, held:

Finally, the deficiencies of the cited references cannot be remedied by the Board's general conclusions about what is "basic knowledge" or "common sense" to one of ordinary skill in the art. ... the Board contended that "it is basic knowledge that communication in trusted environments is performed over trusted paths" and ... verifying the trusted command ... is "nothing more than good common sense." .... We cannot accept these findings by the Board. This assessment of basic knowledge and common sense was not based on any evidence in the record and, therefore, lacks substantial evidence support. .... Rather, the Board must point to some *concrete evidence* in the record in support of these findings.<sup>2</sup> To hold otherwise would render the process of appellate review for substantial evidence on the record a meaningless exercise. .... Accordingly, we cannot accept the Board's unsupported assessment of the prior art. [Emphasis added.]

Thus, an examiner cannot simply reach conclusions based on his or her own understanding or experience nor on her assessment of what would be "basic knowledge" or "common sense."

On point with respect to the nature of the rejections, is the case of *In re Gartside and Norton*, recently decided February 15, 2000, where the CAFC applied the well-established rules of *Dembiczak* (50 USPQ2d at 1616), *Graham* (148 USPQ at 467), *Pro-Mold* (37 USPQ2d 1626), and *Rouffet* (47 USPQ2d at 1456): “the ultimate determination ... whether an invention is or is not obvious is a legal conclusion based on underlying factual inquiries including (1) the scope and content of the prior art; (2) the level of ordinary skill in the prior art; (3) the differences between the claimed invention and the prior art; and (4) objective evidence of nonobviousness. ... the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is *rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references*. ... suggestion may come from ... the teachings of the references themselves, and ... from the nature of the problem to be solved.” Evidence of suggestion may be a “trend in the art” towards solving the problem by one of ordinary skill in the proposed manner.

More particularly, *Dembiczak*, in Section II of that opinion, states, “Measuring a claimed invention against the standard established by section 103 requires the oft-difficult but critical step of casting the mind back to the time of the invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom of the field. .... Close adherence to this methodology is especially important ... where the very ease with which the invention can be understood may prompt one ‘to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher.’ ... ‘must specifically identify the reasons one of ordinary skill in the art would have been motivated to select the references and combine them’ ... ‘objective teaching [leading to the combination]’ ... conclusion of obviousness was error ‘when it did not elucidate any factual teachings, suggestions or incentives from this prior art that showed the propriety of combination’ .... Combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor’s disclosure as a blueprint for piecing together the prior art to defeat patentability — the essence of hindsight. ... the showing [of actual evidence] must be clear and particular. ... ‘examiner’s [mere] conclusory statement ... unaccompanied by evidence or reasoning ... is entirely inadequate to support the rejection.’”

Even more specifically on point are *In re Piasecki* (223 USPQ 785, 787-788) and *In re Lalu* (223 USPQ 1257, 1258), restating *In re Fine* (5 USPQ2d at 1598), decided January 28,

1988, which states, "Fine says the PTO has not established a prima facie case of obviousness. ... the references applied by the . . . Examiner were improperly combined, using hindsight reconstruction, without evidence to support the combination .... He argues that ... the claims were rejected because the PTO thought it would have been 'obvious to try' the claimed invention, an unacceptable basis for rejection. We agree. The PTO has the burden ... to establish a prima facie case of obviousness. .... It can satisfy this burden only by a showing some objective teaching in the prior art or that the knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references."

## 2. Relevant case law applied to the evidence.

The present invention comprises a plurality of discrete, solid colored areas, each said discrete colored area being disposed on and surrounding each substantially identical outlet as demonstrated by independent Claims 49 and 58, respectively reciting:

49. An AC electrical power distribution system comprising:
  - a housing having a plurality of substantially identical AC power distribution outlets for connecting AC electrical power to a plurality of devices,
  - said housing having a plurality of colored areas for selectively identifying each outlet of said power distribution outlets,
  - each colored area of said colored areas on said housing being different in color from any other such colored area, and
  - each of said colored areas assigned to a different device.
58. A method for preventing confusion in users of a multiple outlet power strip having several identical outlets for providing power to a plurality of devices, comprising the steps of:
  - assigning a separate and distinct colored area proximate to each outlet for selectively identifying each outlet of said power strip;
  - assigning each colored area a different color from any other such colored

area; and  
 providing colored indicia corresponding to the colors of said colored  
 areas for identifying devices assigned to each colored area.

The law, under 35 U.S.C. § 103, is well settled that, for a cited art reference to render obvious a claimed invention, the combination of claimed elements must be taught, motivated, or suggested by the cited art. The limitations that patentably distinguish Claim 49 from Dwight (Wiener and Kensington), even in view of Barna, are as follows:

1. "a housing having a plurality of substantially identical AC power distribution outlets for connecting AC electrical power to a plurality of devices,"
2. "said housing having a plurality of colored areas for selectively identifying each outlet of said power distribution outlets,"
3. "each colored area of said colored areas on said housing being different in color from any other such colored area, and"
4. "each of said colored areas assigned to a different device."

and, thus, by dependency, Claims 50-57 are also patentably distinct from Dwight, even in view of Barna.

The limitations that patentably distinguish Claim 58 from Dwight, even in view of Barna, are as follows:

1. "assigning a separate and distinct colored area proximate to each outlet for selectively identifying each outlet of said power strip,"
2. "assigning each colored area a different color from any other such colored area; and"
3. "providing colored indicia corresponding to the colors of said colored areas for identifying devices assigned to each colored area."

and, thus, by dependency, Claims 59-62 are also patentably distinct from the Dwight, even in view of Barna.

The Dwight apparatus merely comprises thin colored rings disposed at a notable radius away from the outlets. Barna merely teaches the use of a hardwired pattern-colored template applied to a credit card terminal. Barna only serves to illustrate the problem with visual identification. The Barna template, being patterned and used with non-identical ports in the first

instance, does not include the present human factors feature for facilitating identification of substantially identical outlets by solid color-coding. As such, Dwight, even in view of Barna, teaches away from the present invention.

In contrast to the cited art, the present invention comprises discrete solid colored areas which are disposed (a) on and (b) surrounding the outlets, i.e., proximally surrounding the outlets as shown in Figs. 1-3 of the present application, which permits better peripheral device connection identification when the plugs are obscured by power transformers than does Dwight, even in view of the Barna. Reiterating the relevant human factors considerations of record, the present invention solid colored areas appear more prominent to the human eye than do the cited art colored rings or pattern-colored templates. Thus, the Dwight colored rings do not provide the superior visual indicia of the instant invention.

In order to grasp this concept, the physiological concept of *visual acuity*, must be considered with respect to the claimed invention and as described elsewhere in the record, e.g., the June 26, 2001, Amendment Response to Office Action. The Applicant has utilized human factors engineering for the combined features of the present invention, i.e., the solid colored areas aspect, in order to optimize the information rate for the average consumer when using the present invention.

As discussed, supra, for a cited art reference to render obvious a claimed invention, the combination of claimed elements must be taught, motivated, or suggested by the cited art. Applying the foregoing rules against hindsight reconstruction to the instant case, the Examiner has inaccurately concluded that one of ordinary skill in the art would have done what the Applicant did to solve the problem. None of the several Examiners' evidence throughout this long and protracted examination, has shown any genuine teaching, motivation, nor suggestion in favor of combining these cited art references nor any of the previously cited references. The Examiner has engaged in impermissible hindsight reconstruction of the prior art.

The Examiner's reasoning in the outstanding Office Action uses the Applicant's claimed invention as "a template for piecing together" bits from the cited references (p. 3, para. 2; p. 4, para. 2; p. 4, para. 9 - p. 5). The Examiner states that "Dwight discloses a power strip having ... colored areas," but concedes that Dwight does not teach the colored areas are for selectively identifying each outlet. Moreover, Dwight's colored elements are merely ornamental rather than functional colored rings. The Examiner pieces together the present invention by impermissibly

combining Barna's pattern-colored alignment strip (template) over non-identical ports with Dwight's ornamental colored rings which, by virtue of being a design patent, teaches non-functional design ring elements. Neither reference nor the combination of these references teaches, suggests, nor motivates a utilitarian solid-color coding feature for substantially identical outlets as is claimed in the present invention.

If the Examiner's reasoning is taken to its conclusion, no human factor invention would ever be patented. The Examiner has prejudiced the present invention's simplifying advantages for the user under his 35 U.S.C. § 103(a) analysis by using Applicant's teachings to piece together the cited references in the Office Action. The Examiner has based the rejection on impermissible hindsight reconstruction, as discussed, *supra*, in light of *McLaughlin*.

**C. Conclusion with respect to Issue I.**

Dwight, having merely non-functional ornamental colored rings, even in view of Barna, having merely a pattern-colored alignment strip over non-identical ports, does not teach, motivate, nor suggest the present invention comprising functional solid color-coding of substantially identical outlets in a plug strip apparatus for providing faster, superior visual and mental recognition.

**II. Whether Claims 50, 51, 54, and 55 are unpatentable, under 35 U.S.C. § 103(a), over Dwight (US Des. 401,220), in view of Barna (US 5,775,935), and in further view of Liner (US 5,708,554).**

**A. Specific nature of the rejection.**

Claims 50, 51, 54, and 55 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Dwight (US Des. 401,220), in view of Barna (US 5,775,935), and in further view of Liner (US 5,708,554).

**B. Analysis in light of the evidence.**

Both Dwight and Barna have been previously cited and subsequently withdrawn. The patentable distinctions between Dwight, in view of Barna, have been discussed, *supra*, for the Examiner's convenience in light of the lengthy record. With respect to Liner, the Examiner relies on this reference only for its teaching of an oversized outlet.

In contrast to Dwight, even in view of Barna, and even in further view of Liner, the present invention comprises a plurality of discrete, solid colored areas, each *discrete colored area* being disposed on and surrounding each substantially identical outlet. Thus, the present invention does not and cannot result from the hindsight reconstruction of the Kensington (Dwight) ornamental colored rings and the Barna pattern-colored template on non-identical ports in combination with the Liner oversized outlet, as demonstrated by dependent Claims 50, 51, 54, and 55, as follows:

- 50. An AC electrical power distribution system, as recited in claim 49, further comprising at least one other AC distribution outlet of greater size than each of said substantially identical AC power distribution outlets for connection to a bulky power adapter.
- 51. An AC electrical power distribution system, as recited in claim 50, further comprising a plurality of other AC distribution outlets of greater size than each of said substantially identical AC power distribution outlets for connection to bulky power adapters.
- 54. An AC electrical power distribution system, as recited in claim 49, further comprising a switch for powering on and off each and every one of said outlets.
- 55. An AC electrical power distribution system, as recited in claim 49, further comprising at least one indicator light.

The limitations that patentably distinguish Claim 50, including the limitations of base Claim 49, from Dwight, even in view of Barna, and even in further view of Liner, are as follows:



1. "a housing having a plurality of **substantially identical AC power distribution outlets** for connecting AC electrical power to a plurality of devices,"
2. "said housing having a plurality of **colored areas for selectively identifying each outlet** of said power distribution outlets,"
3. "each colored area of said colored areas on said housing being different in color from any other such colored area, and"
4. "each of said colored areas assigned to a different device[.]"
5. "at least one other AC distribution outlet of greater size than each of said **substantially identical AC power distribution outlets** for connection to a bulky power adapter."

The limitations that patentably distinguish Claim 51, including the limitations of base Claim 49, from Dwight, even in view of Barna, and even in further view of Liner, are as follows:

1. "a housing having a plurality of **substantially identical AC power distribution outlets** for connecting AC electrical power to a plurality of devices,"
2. "said housing having a plurality of **colored areas for selectively identifying each outlet** of said power distribution outlets,"
3. "each colored area of said colored areas on said housing being different in color from any other such colored area, and"
4. "each of said colored areas assigned to a different device[.]"
5. "a plurality of other AC distribution outlets of greater size than each of said **substantially identical AC power distribution outlets** for connection to bulky power adapters."

The limitations that patentably distinguish Claim 54, including the limitations of base Claim 49, from Dwight, even in view of Barna, and even in further view of Liner, are as follows:

1. "a housing having a plurality of **substantially identical AC power distribution outlets** for connecting AC electrical power to a plurality of devices,"
2. "said housing having a plurality of **colored areas for selectively identifying each outlet** of said power distribution outlets,"
3. "each colored area of said colored areas on said housing being different in color from any other such colored area, and"
4. "each of said colored areas assigned to a different device[.]"
5. "a switch for powering on and off each and every one of said outlets."

The limitations that patentably distinguish Claim 55, including the limitations of base Claim 49, from Dwight, even in view of Barna, and even in further view of Liner, are as follows:

1. "a housing having a plurality of **substantially identical AC power distribution outlets** for connecting AC electrical power to a plurality of devices,"
2. "said housing having a plurality of **colored areas for selectively identifying each outlet** of said power distribution outlets,"
3. "**each colored area of said colored areas on said housing being different in color from any other such colored area, and**"
4. "**each of said colored areas assigned to a different device[,]**"
5. "**at least one indicator light.**"

The Dwight apparatus merely comprises thin colored rings disposed around the outlets. Barna merely teaches the use of a hardwired pattern colored template applied to a credit card terminal and only serves to illustrate the problem with visual identification. The Barna template, being patterned and used with non-identical ports in the first instance, does not include the present human factors feature for facilitating identification of substantially identical outlets by solid color-coding. Liner merely teaches an oversized outlet. Therefore, Dwight, even in view of Barna, even in further view of Liner, teaches away from the present invention.

#### C. Conclusion with respect to Issue II.

Dwight, even in view of Barna, as discussed, *supra*, and even in further view of Liner, does not teach, motivate, nor suggest the present invention, but actually teaches away from the present invention's functional solid color-coding of substantially identical outlets as well as slightly oversized outlets in a plug strip apparatus.

### III. Whether Claim 53 is unpatentable, under 35 U.S.C. §103(a), over Dwight (US Des. 401,220), in view of Barna (US 5,775,935), and in further view of Crane (US 5,899,761).

#### A. Specific nature of the rejection.

Claim 53 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Dwight (US Des. 401,220), in view of Barna (US 5,775,935), and in further view of Crane (US 5,899,761). The Applicant hereby respectfully traverses the Examiner's grounds for rejection on this basis.

**B. Analysis in light of the evidence.**

Both Dwight and Barna have been previously cited and subsequently withdrawn, and discussed, *supra*, for the Examiner's convenience in light of the lengthy record. With respect to Crane, the Examiner relies on this reference only for its teaching of a coaxial plug.

In contrast to Dwight, even in view of Barna, and even in further view of Crane, the present invention comprises a plurality of discrete, solid colored areas, each discrete colored area being disposed on and surrounding each substantially identical outlet. The present invention does not and cannot result from the hindsight reconstruction of the Kensington (Dwight) ornamental colored rings and the Barna pattern-colored template on non-identical ports in combination with the Crane coaxial plug, as demonstrated by dependent Claim 53, reciting:

53. An AC electrical power distribution system, as recited in claim 49, further comprising at least one coaxial cable jack.

The limitations that patentably distinguish Claim 53, including the limitations of base Claim 49, from Dwight, even in view of Barna, and even in further view of Crane, are as follows:

1. "a housing having a plurality of **substantially identical AC power distribution outlets** for connecting AC electrical power to a plurality of devices,"
2. "said housing having a plurality of **colored areas for selectively identifying each outlet** of said power distribution outlets,"
3. "**each colored area of said colored areas on said housing being different in color from any other such colored area, and**"
4. "**each of said colored areas assigned to a different device[,]**"
5. "**at least one coaxial cable jack.**"

The Dwight apparatus merely comprises ornamental thin colored rings disposed around

the outlets. Barna merely teaches the use of a hardwired pattern-colored template over non-identical ports of a credit card terminal. Crane merely teaches coaxial plug. As such, Dwight, even in view of Barna, even in further view of Crane, does not teach, suggest, not motivate the present invention.

**C. Conclusion with respect to Issue III.**

The addition of Crane to Dwight, in view of Barna, does not teach, motivate, nor suggest the present invention comprising functional solid color-coding of substantially identical outlets as well as slightly oversized outlets and at least one coaxial cable jack in a plug strip apparatus which provides faster superior visual and mental recognition.

**IV. Whether the present application should be treated as “special” by the examiner under MPEP § 707.02.**

**A. Rule under MPEP § 707.02: Applications Up for Third Action and 5-Year Applications [R2].**

MPEP § 707.02 addresses applications that are up for a third action and applications pending for five (5) years and provides:

The supervisory patent examiners should impress their assistants with the fact that the shortest path to the final disposition of an application is by finding the best references on the first search and carefully applying them.

The supervisory patent examiners are expected to personally check on the pendency of every application which is up for the third or subsequent office action with a view to finally concluding its prosecution.

Any application that has been pending five years should be carefully studied by the supervisory patent examiner and every effort should be made to terminate its prosecution. In order to accomplish this result, the application is to be considered “special” by the examiner.

**B. Rule under MPEP § 707.02 as applied to the facts.**

In the instant case, the present application has now been in examination for more than six

(6) years and has received at least nine (9) office actions in the continuation case alone, excluding many office actions in the parent case. The priority document, a provisional patent application (US 60/070,217), was filed on January 2, 1998, and its corresponding non-provisional patent application (US 09/221,761) was filed within one year on December 28, 1998. Furthermore, the present application has been considered for appeal at least twice, as shown in the record, with prosecution being reopened by Examiner Polk following each Notice of Appeal, thereby resulting in a perpetual procedural loop to avoid allowance of the instant case.

**C. Conclusion as to Issue IV.**

Therefore, in light of the inordinate number of actions on the case, the inordinate number of appeals, the inordinate number of prosecution reopenings, and of the inordinate number of years in examination, the Applicant believes that the Examiner should treat the present application as "special" under MPEP § 707.02.

**V. Whether the rejection of previously allowed Claims 49-62 is improper under MPEP § 706.04.**

**A. Rule under MPEP § 706.04: Rejection of Previously Allowed Claims [R-1].**

MPEP § 706.04 addresses the rejection of previously allowed claims and provides:

A claim noted as allowable shall thereafter be rejected only after the proposed rejection has been submitted to the primary examiner for consideration of all the facts and approval of the proposed action. Great care should be exercised in authorizing such a rejection. See *Ex parte Grier*, 1923 C.D. 27, 309 O.G. 223 (Comm'r Pat. 1923); *Ex parte Hay*, 1909 C.D. 18, 139 O.G. 197 (Comm'r Pat. 1909).

**PREVIOUS ACTION BY DIFFERENT EXAMINER**

Full faith and credit should be given to the search and action of a previous examiner unless there is a clear error in the previous action or knowledge of other prior art. In general, an examiner should not take an entirely new approach or attempt to reorient the point of view of a previous examiner, or make a new search in the mere hope of finding something. >*Amgen, Inc. v. Hoechst Marion Roussel, Inc.*, 126 F. Supp. 2d 69, 139, 57 USPQ2d 1449, 1499-50 (D. Mass. 2001).<

Because it is unusual to reject a previously allowed claim, the examiner should point out in his or her office action that the claim now being rejected was previously allowed by using Form Paragraph 7.50.

**¶ 7.50 Claims Previously Allowed, Now Rejected, New Art**

The indicated allowability of claim [1] is withdrawn in view of the newly discovered reference(s) to [2]. Rejection(s) based on the newly cited reference(s) follow.

Examiner Note:

1. In bracket 2, insert the name(s) of the newly discovered references.
2. Any action including this form paragraph requires the signature of a Primary Examiner.

**B. Rule under MPEP § 707.02 as applied to the facts.**

As discussed, *supra*, the Examiner has indicated that the pending claims are allowable during the October 21, 2004, Telephonic Interview. During the October 28, 2004, Telephonic Interview, the Examiner indicated that a Notice of Allowance would issue. On November 3, 2004, during another telephone conference with the Examiner, he indicated that the Supplemental Amendment required further revision only as to informalities which is also shown in the October 28, 2004, Notice of Non-Compliant Amendment. On November 12, 2004, a Revised Supplemental Amendment Response to Office Action was filed in compliance with the October 28, 2004, Notice of Non-Compliant Amendment. The USPTO online PAIR System status printout of January 24, 2005, indicated that a Notice of Allowability issued on November 15, 2004, but was never received by the Applicant's Attorney (Exhibit A).

However, on January 25, 2005, i.e., one (1) day later, the electronic record of the November 15, 2004, Notice of Allowability was deleted from the USPTO PAIR System (Exhibit B); and, instead, on January 31, 2005, the Applicant's Attorney received yet another Office Action dated January 25, 2004, wherein Claims 49-62 were rejected, citing a primary reference, Dwight (i.e., Kensington) (US Des. 401,220) and a secondary reference Barna (US 5,775,935), as grounds for rejection of the claims on the basis of 35 U.S.C. § 103(a), both of which were previously cited and withdrawn by Examiner Polk in the May 6, 2002, non-final Office Action, nearly three (3) years ago.

MPEP § 706.04 states, "Great care should be exercised in authorizing such a rejection." Particularly on point is that MPEP § 706.04 also provides: "Full faith and credit should be given to the search and action of a previous examiner unless there is a clear error in the previous action or knowledge of other prior art. In general, an examiner should not take an entirely new approach or attempt to reorient the point of view of a previous examiner, or make a new search in the mere hope of finding something." The Applicant respectfully submits that the Examiner has not exercised the requisite level of care, i.e., "great care," in rejecting the previously allowed claim in the outstanding Office Action.

Reiterating, a Telephonic Interview was conducted on February 9, 2005, for the purpose of pointing-out to Examiner DeBeradinis that both Dwight and Barna had already been

previously cited and implicitly withdrawn by Examiner Polk, during which the Examiner concedes that he was unaware of that part in the file history. He further conceded that he had decided to conduct an independent search of the prior art, without even acknowledging the previously allowed claims, thereby resulting in Dwight and Barna being reasserted in the outstanding Office Action on his mistaken belief that these references were being newly cited, and thereby returning full circle to the examination conducted by Examiner Polk three (3) years ago. The Examiner stated that he felt uncomfortable with allowing any claims involving "color-coding" and that he was certain that he would find "something" with an independent search, i.e., the very motivation for conducting a fresh search that is prohibited by MPEP § 706.04.

In addition, the Examiner has not proffered any evidence of any clear error by Examiner Polk in implicitly withdrawing Dwight and Barna nor any evidence that the "other" prior art is "new." Further, the Examiner has not complied with MPEP § 706.04 which requires that the Examiner point-out in his Office Action "that the claim now being rejected was previously allowed using Form Paragraph 7.50." The Examiner has not acknowledged the previously allowed claims in the outstanding Office Action nor even explained how he has issued a Notice of Allowability (Exhibit A) and then proceeded to withdraw it (Exhibit B).

**C. Conclusion as to Issue V.**

The rejection of the previously allowed claims is improper under MPEP § 706.04.

**VI. Whether the rejection of previously allowed Claims 49-62 is improper under MPEP §§ 2125 and 2126.**

**A. Rules under MPEP §§ 2125 and 2126: Drawings as Prior Art for § 103(a) rejection.**

**DRAWINGS CAN BE USED AS PRIOR ART**

Drawings and pictures can anticipate claims if they clearly show the structure which is claimed. In *re Mraz*, 455 F.2d 1069, 173 USPQ 25 (CCPA 1972). However, the picture must show all the claimed structural features and how they are put together. *Jockmus v. Leviton*, 28 F.2d 812 (2d Cir. 1928). The origin of the drawing is immaterial. For instance, drawings in a design patent can anticipate or make obvious the claimed invention as can drawings in utility patents. When the reference is a utility patent, it does not matter that the feature shown is unintended or unexplained in the specification. The drawings must be evaluated for what they reasonably disclose and suggest to one of ordinary skill in the art. In *re Aslanian*, 590 F.2d 911, 200 USPQ 500 (CCPA 1979). See MPEP § 2121.04 for more information on prior art drawings as “enabled disclosures.”

**I. AESTHETIC DESIGN CHANGES**

In *re Seid*, 161 F.2d 229, 73 USPQ 431 (CCPA 1947) (Claim was directed to an advertising display device comprising a bottle and a hollow member in the shape of a human figure from the waist up which was adapted to fit over and cover the neck of the bottle, wherein the hollow member and the bottle together give the impression of a human body. Appellant argued that certain limitations in the upper part of the body, including the arrangement of the arms, were not taught by the prior art. The court found that matters relating to ornamentation only which have no mechanical function cannot be relied upon to patentably distinguish the claimed invention from the prior art.). [Emphasis added.]

**B. Rule under MPEP § 707.02 as applied to the facts.**

While MPEP § 2125 states that drawings in a design patent may be used as prior art to sustain a § 103(a) rejection, MPEP § 2126 circumscribes MPEP § 2125 by stating that “matters relating to ornamentation only which have no mechanical function cannot be relied upon to patentably distinguish the claimed invention from the prior art.” Applying the foregoing rules to the instant case, the Examiner has combined an ornamental feature of a design patent, i.e., the non-functional colored rings of Dwight, with a functional pattern-colored alignment strip over non-identical ports from Barna, to piece-together the claimed invention. In *re Seid* held that an ornamental limitation does not patentably distinguish a given combination of claimed elements over prior art which teaches that combination of claimed elements. Clearly, combining an ornamental feature from one reference with a functional feature of another reference cannot



sustain a §103(a) rejection against a given claimed functional feature, because the requisite explicit motivation to combine is absent. Moreover, to hold otherwise would fly in the face of the prohibition against impermissible hindsight reconstruction.

Further, *In re Harvey*, 29 USPQ2d 1206, 1209, decided December 7, 1993, held that a “post-hoc rationalization of the claimed design ... is improper[,]” reasoning that “like the examiner, the Board improperly mixed the principles of obviousness for utility patents with those for ornamental design patents .... Therefore, in considering prior art references for purposes of determining patentability of ornamental designs, the focus must be on appearances and not uses. *In re Glavas*, 230 F.2d 446, 450, 109 USPQ 50, 52 (CCPA 1956).” Conversely, in considering prior art references for purposes of determining patentability of utility claims, the focus must be on uses and not on appearances.

### C. Conclusion as to Issue VI.

The Examiner has improperly combined purely ornamental, non-functional features of the Dwight design with non-analogous, functional features from Barna, to reconstruct the presently claimed invention in hindsight.

### The Claims Do Not Stand Nor Fall Together:

The Applicant respectfully submits that the claims either stand or fall individually. With regard to independent Claim 49, Claims 41-62 are dependent therefrom and differ in cumulative language as follows:

49. An AC electrical power distribution system comprising:  
a housing having a plurality of substantially identical AC power distribution outlets for  
connecting AC electrical power to a plurality of devices,  
said housing having a plurality of colored areas for selectively identifying each outlet of  
said power distribution outlets,  
each colored area of said colored areas on said housing being different in color from any  
other such colored area, and  
each of said colored areas assigned to a different device.
50. ... at least one other AC distribution outlet of greater size than each of said substantially  
identical AC power distribution outlets for connection to a bulky power adapter.

51. ... a plurality of other AC distribution outlets of greater size than each of said substantially identical AC power distribution outlets for connection to bulky power adapters.
52. ... at least one telephone jack.
53. ... at least one coaxial cable jack.
54. An AC electrical power distribution system, as recited in claim 49, further comprising a switch for powering on and off each and every one of said outlets.
55. ... at least one indicator light.
56. ... labels having colors corresponding to the colors of said colored areas, said labels for identifying different devices.
57. ... a set of colored cords having colors corresponding to the colors of said colored areas.
58. A method for preventing confusion in users of a multiple outlet power strip having several identical outlets for providing power to a plurality of devices, comprising the steps of:
  - assigning a separate and distinct colored area proximate to each outlet for selectively identifying each outlet of said power strip,
  - assigning each colored area a different color from any other such colored area; and
  - providing colored indicia corresponding to the colors of said colored areas for identifying devices assigned to each colored area.
59. ... wherein said indicia are colored labels having the same colors as the colored area proximate to each outlet.
60. ... wherein said are colored cords having the same colors as the colored area proximate to each outlet.
61. ... wherein said indicia are colored plugs having the same colors as the colored area proximate to each outlet.

62. ... wherein said indicia are colored stickers having the same colors as the colored area proximate to each outlet wrapped around the cord.

Thus, the Applicant likewise respectfully submits that inventive features may be individually characterized; and that, therefore, the foregoing claims should not stand nor fall together. Only a truly anticipatory reference in every sense would be able to render all of the foregoing claims unpatentable.

### CONCLUSION

Accordingly, Claims 49-62, as submitted on November 12, 2004, better encompass the full scope and breadth of the present invention, notwithstanding the Applicant's belief that the claims would have been allowable as originally filed. The Applicant respectfully reasserts that no claims have been narrowed within the meaning of *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.* (Fed.Cir. November 29, 2000). Therefore, reversal of the Final Office Action and allowance of the present application in light of the this brief is respectfully requested. Pending Claims 49-62 are believed to be fully supported by the specification, and are believed to be in allowable form. Favorable action is accordingly solicited.

Respectfully submitted



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December 19, 2005  
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(831) 649-8800

**APPENDIX A**  
**(37 C.F.R. § 1.192(c)(9))**

**Claims:**

- 5      49.    An AC electrical power distribution system comprising:  
         a housing having a plurality of substantially identical AC power distribution outlets  
         for connecting AC electrical power to a plurality of devices,  
         said housing having a plurality of colored areas for selectively identifying each outlet  
         of said power distribution outlets,  
         each colored area of said colored areas on said housing being different in color from  
         any other such colored area, and  
         each of said colored areas assigned to a different device.
50.    An AC electrical power distribution system, as recited in claim 49, further comprising  
         at least one other AC distribution outlet of greater size than each of said substantially  
         identical AC power distribution outlets for connection to a bulky power adapter.
51.    An AC electrical power distribution system, as recited in claim 50, further comprising  
         a plurality of other AC distribution outlets of greater size than each of said  
         substantially identical AC power distribution outlets for connection to bulky power  
         adapters.
52.    An AC electrical power distribution system, as recited in claim 49, further comprising  
         at least one telephone jack.
53.    An AC electrical power distribution system, as recited in claim 49, further comprising  
         at least one coaxial cable jack.
54.    An AC electrical power distribution system, as recited in claim 49, further comprising  
         a switch for powering on and off each and every one of said outlets.

55. An AC electrical power distribution system, as recited in claim 49, further comprising at least one indicator light.
56. An AC electrical power distribution system, as recited in claim 49, further comprising labels having colors corresponding to the colors of said colored areas, said labels for identifying different devices.
57. An AC electrical power distribution system as recited in claim 49, further comprising a set of colored cords having colors corresponding to the colors of said colored areas.
58. A method for preventing confusion in users of a multiple outlet power strip having several identical outlets for providing power to a plurality of devices, comprising the steps of:  
assigning a separate and distinct colored area proximate to each outlet for selectively  
5 identifying each outlet of said power strip,  
assigning each colored area a different color from any other such colored area; and  
providing colored indicia corresponding to the colors of said colored areas for  
identifying devices assigned to each colored area.
59. A method, as recited in claim 58, wherein said indicia are colored labels having the same colors as the colored area proximate to each outlet.
60. A method, as recited in claim 58, wherein said are colored cords having the same colors as the colored area proximate to each outlet.
61. A method, as recited in claim 58, wherein said indicia are colored plugs having the same colors as the colored area proximate to each outlet.
62. A method, as recited in claim 58, wherein said indicia are colored stickers having the same colors as the colored area proximate to each outlet wrapped around the cord.

**APPENDIX B: COMPARATIVE DRAWINGS**

**(37 C.F.R. § 1.192(c)(6))**

1. **Present Invention (3 pages)**
2. **Dwight (4 page)**
3. **Barna (2 page)**
4. **Prior Art Plain Plug Strip Problems**
5. **Present Invention Solid Color Coded Plug Strip Solutions**

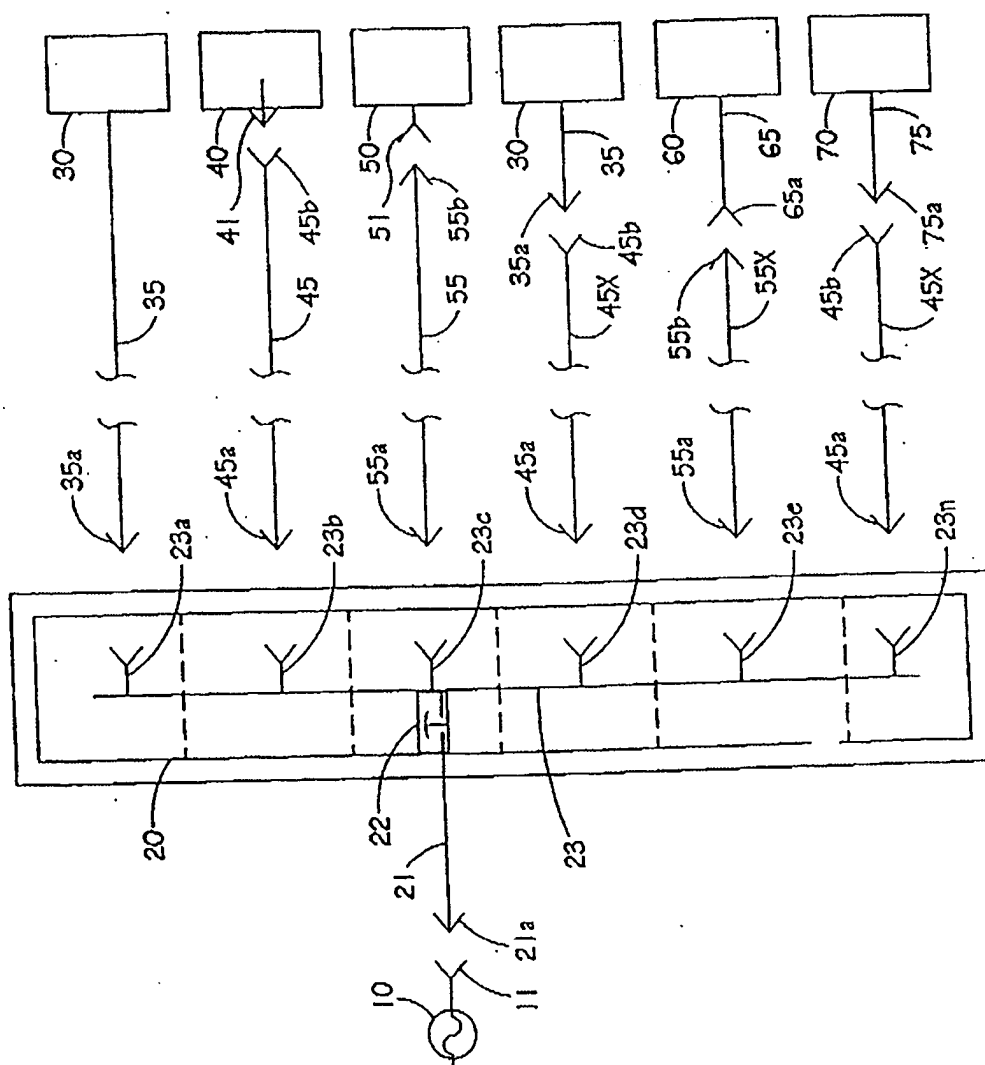


Figure 1  
(Prior Art)

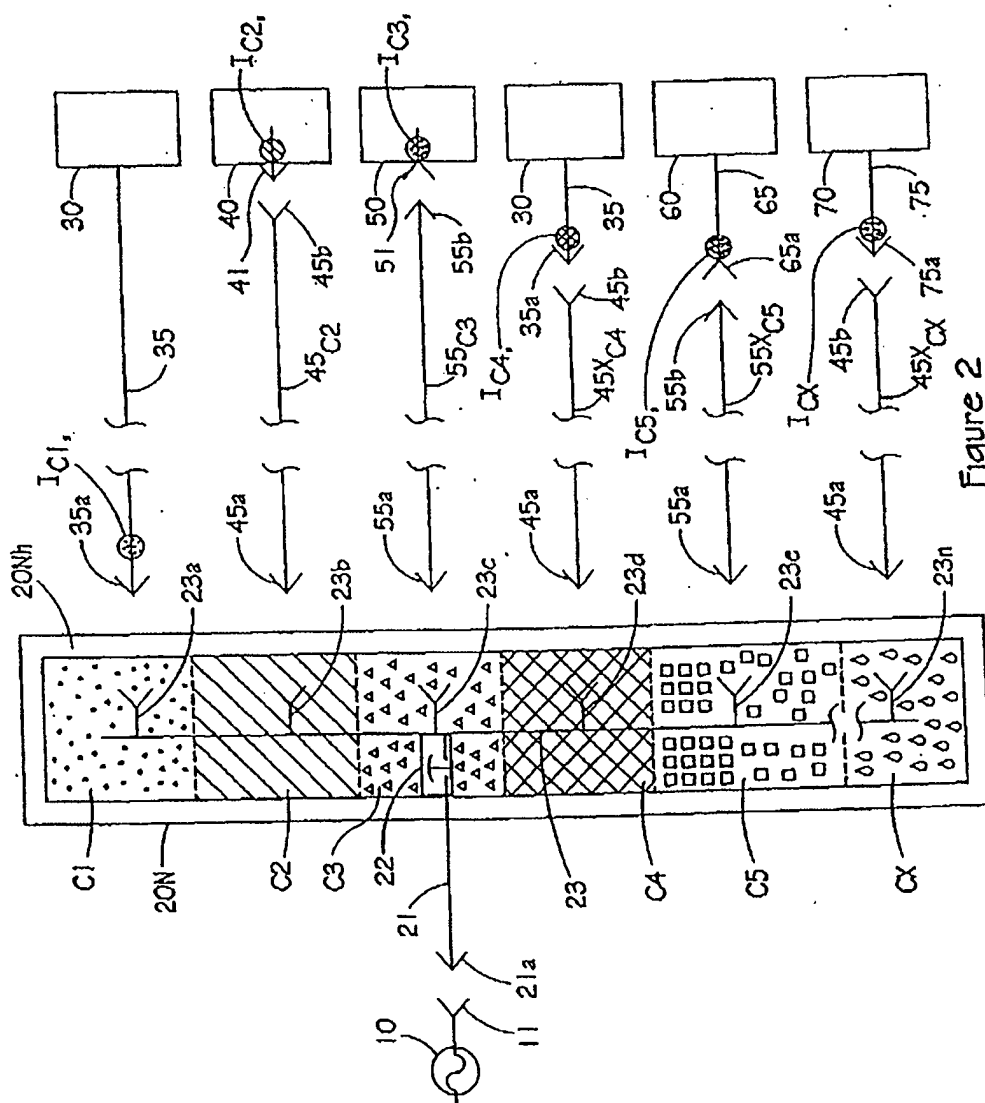


Figure 2



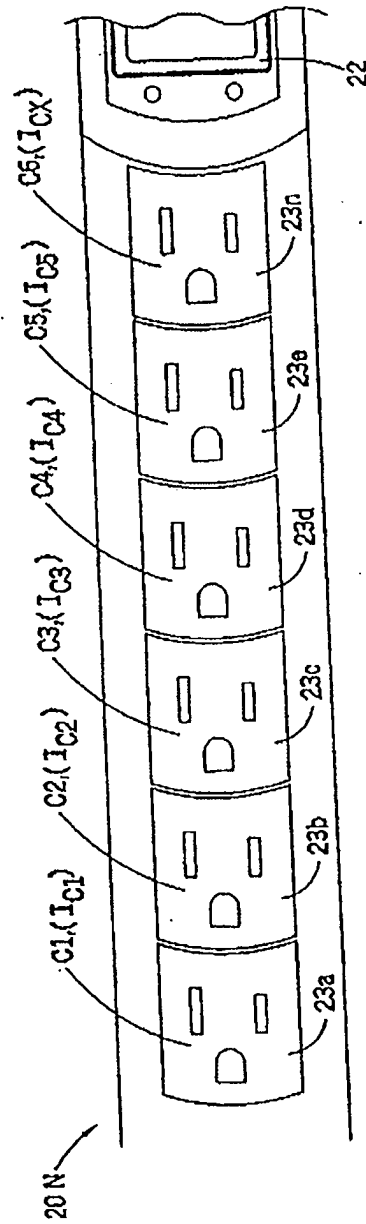


Figure 3



US00D401220S

# United States Patent [19]

Dwight et al.

[11] Patent Number: Des. 401,220

[45] Date of Patent: \*\*Nov. 17, 1998

## [54] POWER STRIP

[75] Inventors: Mark M. Dwight, Palo Alto; Robert M. Bruce, San Francisco, both of Calif.; Curt G. Bingham, Salt Lake City, Utah

[73] Assignee: ACCO Brands, Inc., Lincolnshire, Ill.

[\*\*] Term: 14 Years

[21] Appl. No.: 56,556

[22] Filed: Jul. 2, 1996

[51] LOC (6) Cl. 13-03

[52] U.S. Cl. D13/139.6; D13/139.8

[58] Field of Search D13/137.1-137.4, D13/139.1-139.8; 439/622, 620, 638, 214, 215, 650, 651, 652, 653, 107, 502, 535, 76.1; 307/141; 200/51.11; 361/115, 118, 119

[56]

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3,353,137 11/1967 Miller 439/107  
5,350,310 9/1994 Chen 439/188

5,429,518 7/1995 Chen 439/188

Primary Examiner—Susan J. Lucas  
Assistant Examiner—Jennifer Rivard  
Attorney, Agent, or Firm—Townsend and Townsend and Crew LLP

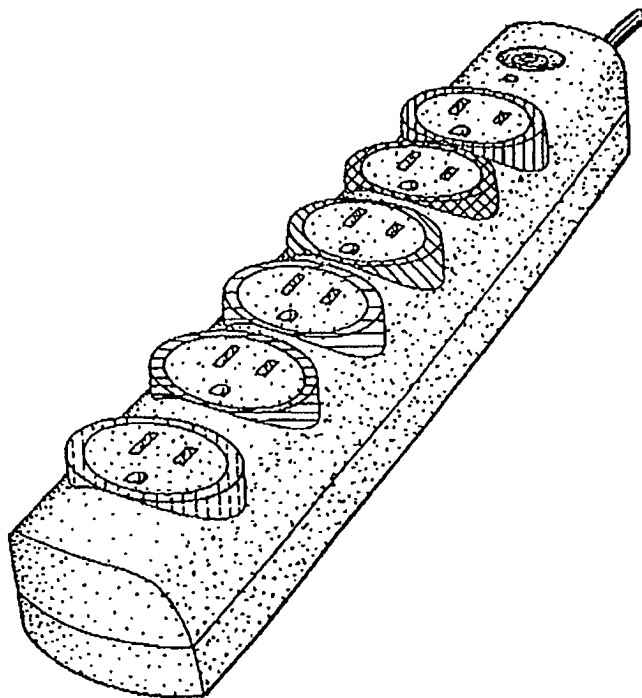
## [57] CLAIM

The ornamental design for a power strip, as shown and described.

## DESCRIPTION

FIG. 1 is a perspective view of a power strip showing our new design;  
FIG. 2 is a top plan view thereof;  
FIG. 3 is a front elevational view thereof;  
FIG. 4 is a rear elevational view thereof;  
FIG. 5 is a right side elevational view, the left side elevational view being a mirror image;  
FIG. 6 is a bottom plan view thereof; and,  
FIG. 7 is a perspective view of a power strip showing an alternate embodiment of our new design.  
The second embodiment differs from the first only by the phone jacks on the front surface.

1 Claim, 3 Drawing Sheets



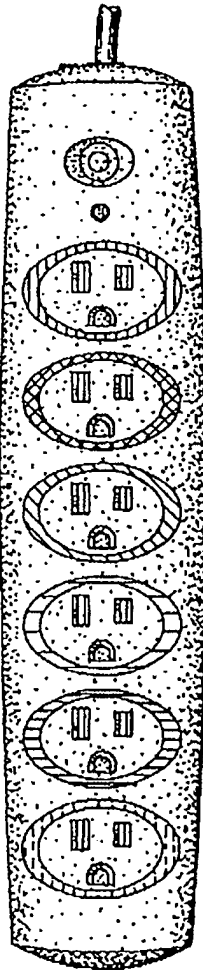


FIG. 2.

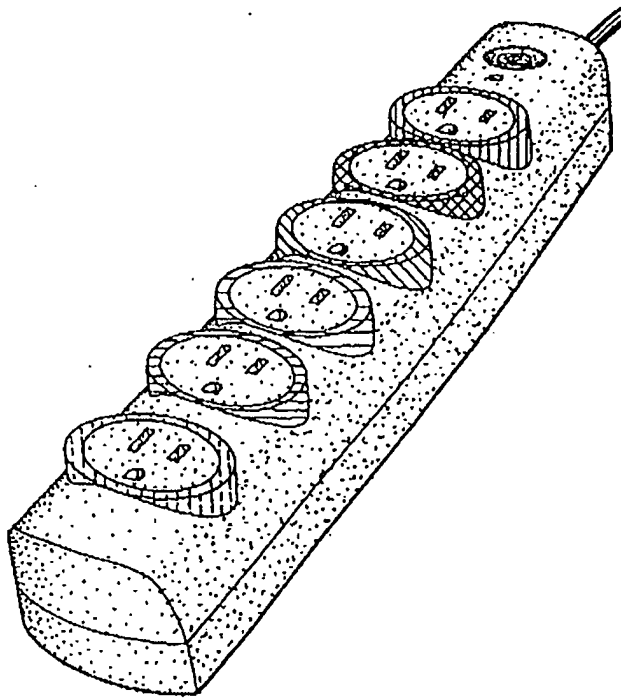


FIG. 1.

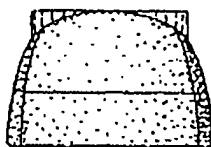


FIG. 3.

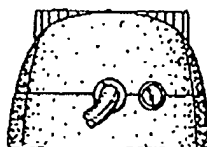


FIG. 4.

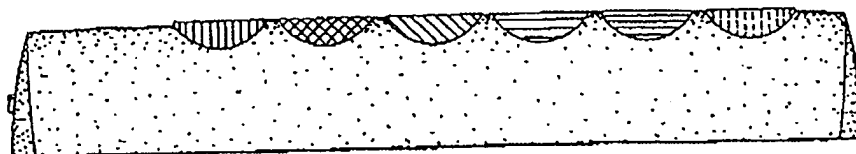


FIG. 5.

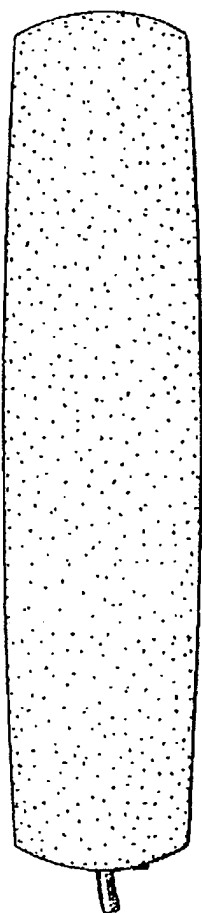


FIG. 6.

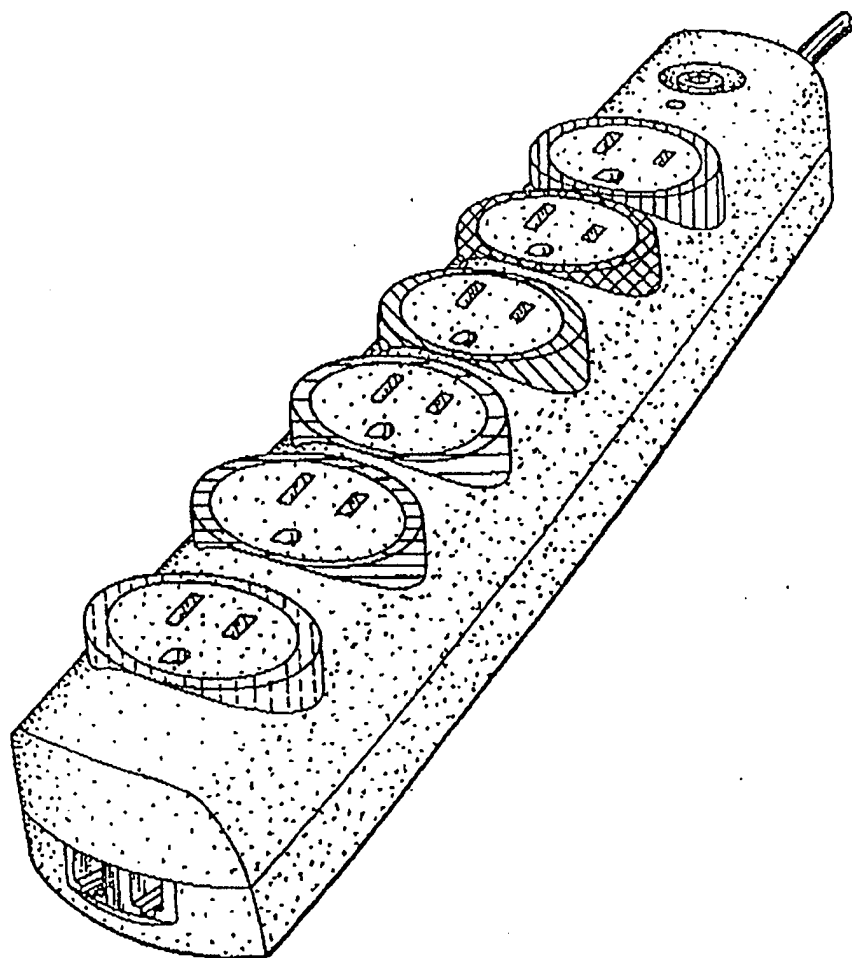


FIG. 7.



## United States Patent [19]

Barna

(11) Patent Number: 5,775,935

[45] Date of Patent: Jul. 7, 1998

**[54] SYSTEM AND METHOD FOR CONNECTING  
COLOR CODED CABLES TO A DEVICE**

5,613,874 3/1997 Odoardo et al. \_\_\_\_\_ 429/491

FOREIGN PATENT DOCUMENTS

[75] Inventor: Joseph A. Barna, Marietta, Ga.

638364 12/1994 Japan.

[73] Assignee: Computer Data Exchange, Inc.  
Marietta, Ga.

Primary Examiner—Hica Vu

[57] ABSTRACT

(21) Appl No: 769,456

[22] Filed: Dec. 18, 1996

[51] Int. Cl.<sup>6</sup> \_\_\_\_\_ H01R 9/22

[52] U.S. Cl. \_\_\_\_\_ 439/488; 439/491; 174/112

[58] Field of Scand \_\_\_\_\_ 439/488-491;  
174/112; 40/316

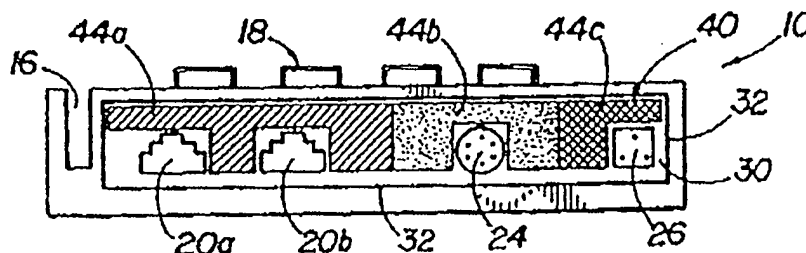
[56] **References Cited**

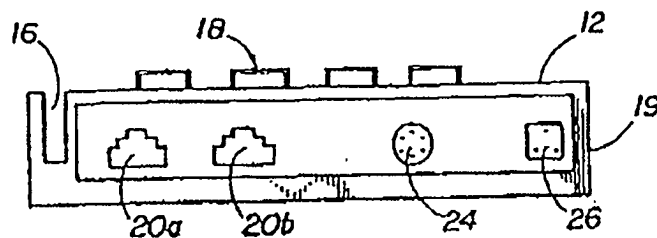
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5,449,302	9/1995	Yarborough et al.	439/680
5,533,917	7/1996	Schowitz	439/791

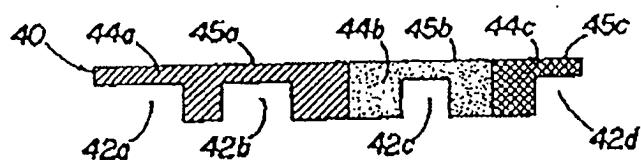
The present invention is a color coded system for associating each of a plurality of individual electrical connection ports of a transactional terminal with a particular cable designated for connection with a specific one of the ports. The system includes a device that has a plurality of electrical connection ports for receiving cables. The device has a recessed portion extending around the electrical connection ports. The recessed portion has a rim defining the boundary of the recess. The system also includes a color coded alignment strip that has a surface of colors arranged in ordered positions on the strip. The colors of the surface correspond to color coded cables. The color coded alignment strip is positioned and is aligned in the recess in a position that aligns the colors with the electrical connection ports that are to receive the color coded cables of the corresponding colors aligned with the electrical connection ports. The color coded alignment strip fits in the recess such that the surface of the alignment strip is positioned at or below the same level as the rim of the recess.

10 Claims, 2 Drawing Sheets

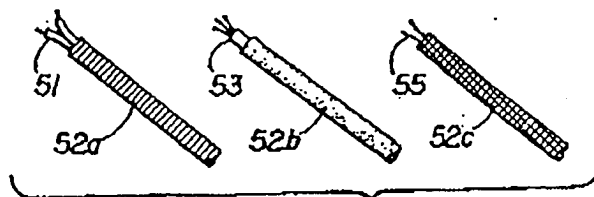




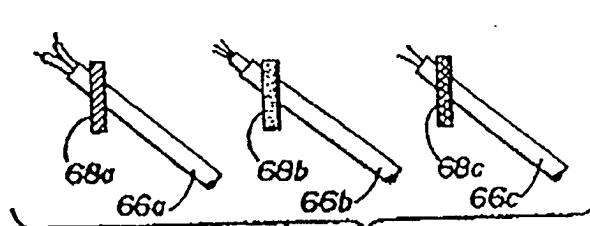
**FIG 1**



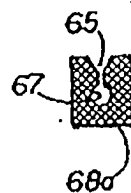
**FIG 2A**



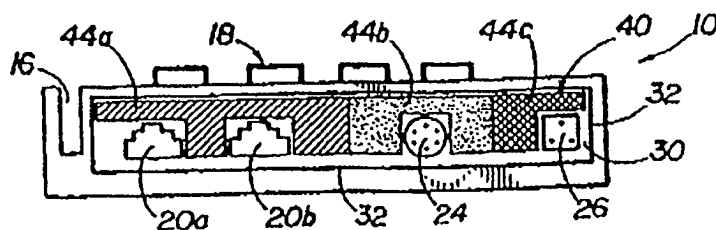
**FIG 2B**



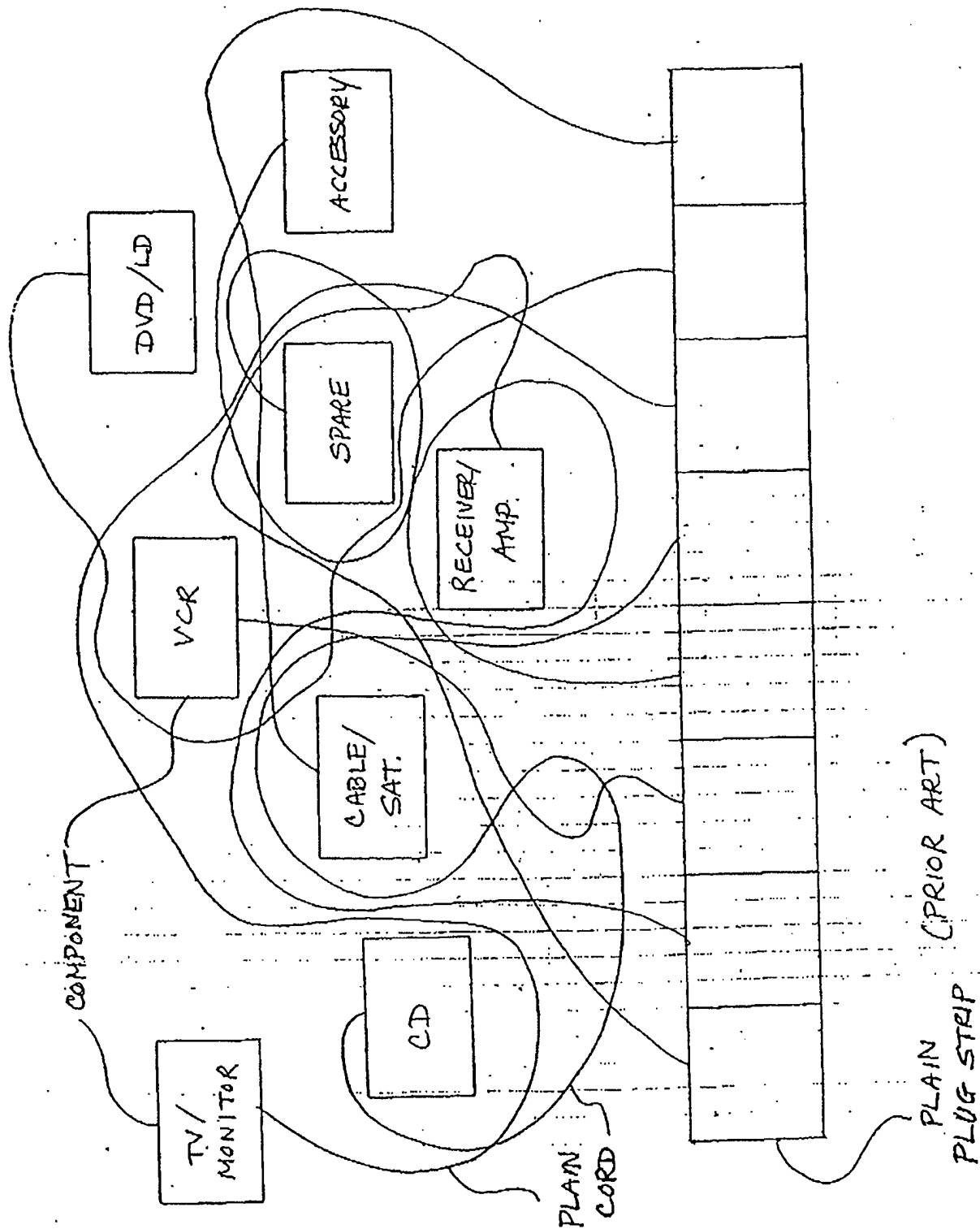
**FIG 2C**



**FIG 2D**

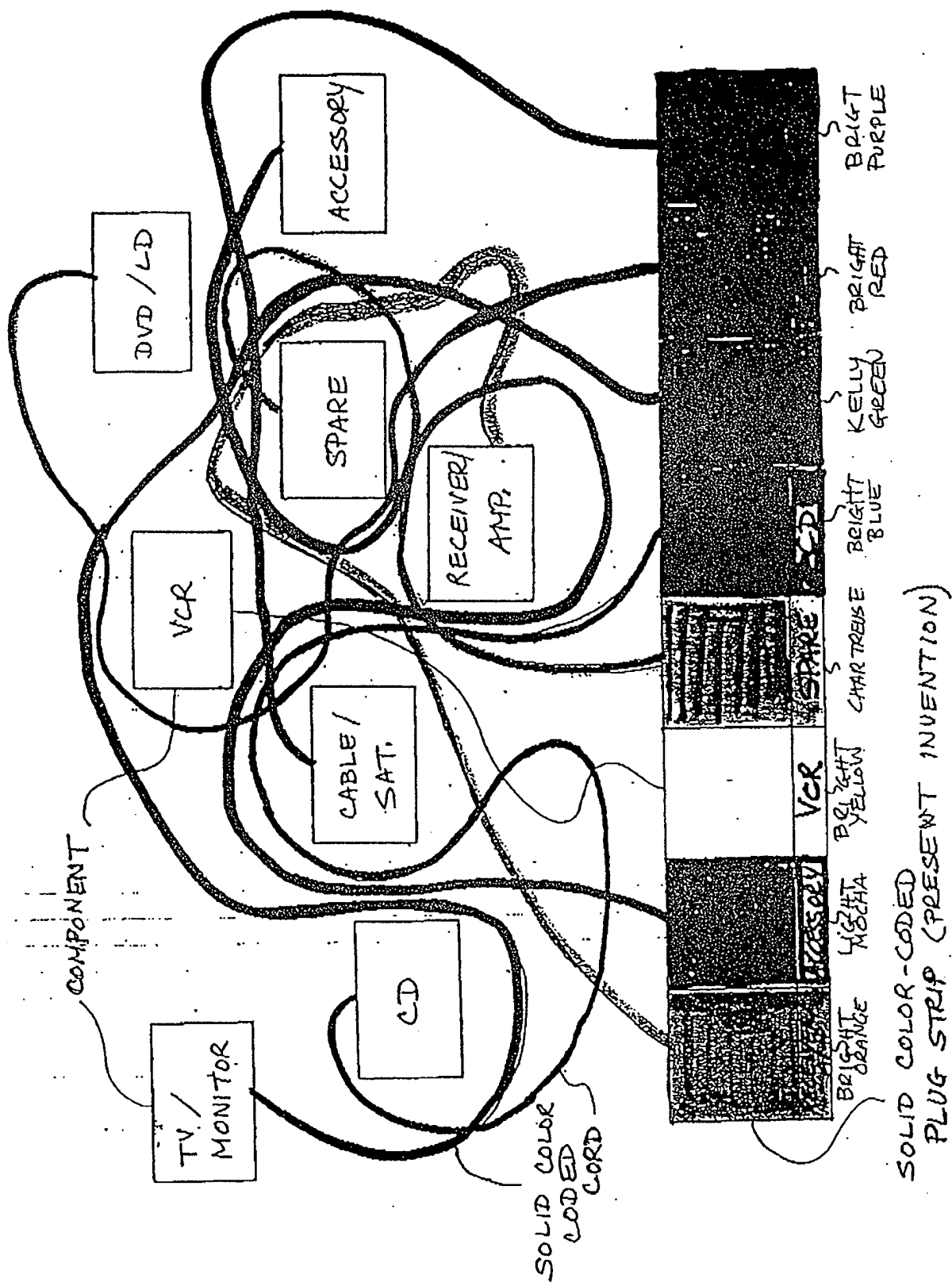


**FIG 3**



Prior Art Plain Plug Strip Problems





Present Invention Solid Color Coded Plug Strip Solutions

**EXHIBIT A**

**USPTO PAIR SYSTEM CASE STATUS PRINTOUT (January 24, 2005)**



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.09/735,697

Apparatus and method for powering multiple peripheral devices  
color-coded central power source

Application Data	Transaction History	Image/FILE Wrapper	Continuity Data	Published Documents	Publication Dates	Address & Attorney/Agent
Date	Contents Description					
11-15-2004	Notice of Allowability					
11-15-2004	Date Forwarded to Examiner					
11-12-2004	Response after Non-Final Action					
11-15-2004	Correspondence Address Change					
10-28-2004	Mail Notice of Informal or Non-Responsive Amendr					
10-28-2004	Date Forwarded to Examiner					
09-22-2004	Supplemental Response					
09-22-2004	Workflow incoming amendment IFW					
07-13-2004	Case Docketed to Examiner in GAU					
05-15-2004	IFW TSS Processing by Tech Center Complete					
05-15-2004	Date Forwarded to Examiner					
03-26-2004	Informal or Non-Responsive Amendment after Exa					
03-26-2004	Response after Non-Final Action					
03-26-2004	Request for Extension of Time - Granted					
05-12-2004	Mail Examiner Interview Summary (PTOL - 413)					
05-10-2004	Examiner Interview Summary Record (PTOL - 413)					
03-26-2004	Workflow incoming amendment IFW					
12-14-2003	Case Docketed to Examiner in GAU					
11-28-2003	Mail Non-Final Rejection					
11-26-2003	Non-Final Rejection					
06-04-2003	Date Forwarded to Examiner					
05-13-2003	Appeal Brief Filed					
12-11-2001	Notice of Appeal Filed					
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04-09-2003	Examiner Interview Summary Record (PTOL - 413)
02-13-2003	Mail Notice of Restarted Response Period
02-13-2003	Letter Restarting Period for Response (i.e. Letter re
01-16-2003	Mail Final Rejection (PTOL - 326)
01-13-2003	Final Rejection
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11-22-2002	Date Forwarded to Examiner
09-05-2002	Response after Non-Final Action
09-05-2002	Request for Extension of Time - Granted
05-06-2002	Mail Non-Final Rejection
05-03-2002	Non-Final Rejection
02-16-2002	Date Forwarded to Examiner
02-08-2002	Appeal Brief Filed
12-11-2001	Notice of Appeal Filed
11-05-2001	Mail Final Rejection (PTOL - 326)
11-02-2001	Final Rejection
10-16-2001	Date Forwarded to Examiner
10-05-2001	Amendment after Final Rejection
08-28-2001	Mail Final Rejection (PTOL - 326)
08-27-2001	Final Rejection
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03-27-2001	Mail Non-Final Rejection
03-26-2001	Non-Final Rejection
12-12-2000	Preliminary Amendment
03-09-2001	Case Docketed to Examiner in GAU
03-01-2001	Application Dispatched from OIPE
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12-12-2000	Initial Exam Team nn

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.09/735,697 Apparatus and method for powering multiple peripheral devices from  
color-coded central power source

Application No. Data	Transaction History	Image File Wrapper	Continuity Data	Published Documents	Publication Dates	Address & Attorney/Agent
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Date	Contents Description
01-25-2005	Mail Non-Final Rejection
01-25-2005	Non-Final Rejection
11-15-2004	Date Forwarded to Examiner
11-12-2004	Response after Non-Final Action
11-15-2004	Correspondence Address Change
10-28-2004	Mail Notice of Informal or Non-Responsive Amendment
10-28-2004	Date Forwarded to Examiner
09-22-2004	Supplemental Response
09-22-2004	Workflow incoming amendment IFW
07-13-2004	Case Docketed to Examiner in GAU
05-15-2004	IFW TSS Processing by Tech Center Complete
05-15-2004	Date Forwarded to Examiner
03-26-2004	Informal or Non-Responsive Amendment after Examiner Action
03-26-2004	Response after Non-Final Action
03-26-2004	Request for Extension of Time - Granted
05-12-2004	Mail Examiner Interview Summary (PTOL - 413)
05-10-2004	Examiner Interview Summary Record (PTOL - 413)
03-26-2004	Workflow incoming amendment IFW
12-14-2003	Case Docketed to Examiner in GAU
11-28-2003	Mail Non-Final Rejection
11-26-2003	Non-Final Rejection
06-04-2003	Date Forwarded to Examiner
05-13-2003	Appeal Brief Filed
12-11-2001	Notice of Appeal Filed
06-04-2003	Date Forwarded to Examiner
03-13-2003	Amendment after Final Rejection

08-16-2002	Examiner Interview Summary Record (PTOL - 413)
08-06-2002	Examiner Interview Summary Record (PTOL - 413)
04-09-2003	Examiner Interview Summary Record (PTOL - 413)
02-13-2003	Mail Notice of Restarted Response Period
02-13-2003	Letter Restarting Period for Response (i.e. Letter re: References)
01-16-2003	Mail Final Rejection (PTOL - 326)
01-13-2003	Final Rejection
05-22-2002	Examiner Interview Summary Record (PTOL - 413)
11-22-2002	Date Forwarded to Examiner
09-05-2002	Response after Non-Final Action
09-05-2002	Request for Extension of Time - Granted
05-06-2002	Mail Non-Final Rejection
05-03-2002	Non-Final Rejection
02-16-2002	Date Forwarded to Examiner
02-08-2002	Appeal Brief Filed
12-11-2001	Notice of Appeal Filed
11-05-2001	Mail Final Rejection (PTOL - 326)
11-02-2001	Final Rejection
10-16-2001	Date Forwarded to Examiner
10-05-2001	Amendment after Final Rejection
08-28-2001	Mail Final Rejection (PTOL - 326)
08-27-2001	Final Rejection
07-03-2001	Date Forwarded to Examiner
06-26-2001	Response after Non-Final Action
03-27-2001	Mail Non-Final Rejection
03-26-2001	Non-Final Rejection
12-12-2000	Preliminary Amendment
03-09-2001	Case Docketed to Examiner in GAU
03-01-2001	Application Dispatched from OIPE
02-26-2001	Correspondence Address Change
01-02-2001	IFW Scan & PACR Auto Security Review
12-12-2000	Initial Exam Team nn

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**EXHIBIT C**  
**EVIDENCE OF RELATED ENTITY FOR PRIMARY CITED REFERENCE**

1. [Http://tile.net/vendors/index.php?v\\_id=1235](http://tile.net/vendors/index.php?v_id=1235) (web page containing information as to parent/subsidiary relationship of the Dwight reference).





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## TILE.NET/VENDORS

### The Reference to Computer Products Vendors

Company Information : Kensington Technology Group, a division of ACCO Brands, Inc.

Product Information : Computer Accessories Input Devices Mice Trackballs Security Cables  
Surge Protectors Carrying Cases comfort and productivity after-market products

Contact : Sales: 800-535-4242 Support: 800-535-4242 Fax: 650-572-9765

Description :

Address : 2855 Campus Drive San Mateo, CA

State : CO

Zip : 94403

Country : United States

Email : [info@kensington.com](mailto:info@kensington.com)

Homepage : [www.kensington.com](http://www.kensington.com)

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#### Laptop Cases

Performance Notebook  
Travel Bag. Order Direct  
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[www.apc.com](http://www.apc.com)

#### Laptop & Notebook Cases

Multiple Laptop Computer  
designs Shipping &  
Carrying Cases  
[www.stercase.com](http://www.stercase.com)

#### Dell Official Site

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Components Big Savings!  
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[www.dell4me.com](http://www.dell4me.com)

#### Laptop cases

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[www.Target.com](http://www.Target.com)

#### Laptop Bags & Backpacks

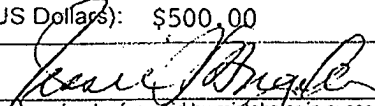
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Title: "Apparatus and Method for Powering Multiple Peripheral Devices from a Color-coded Central Power Source"

DN: P1230 Serial No.: 09/735,697

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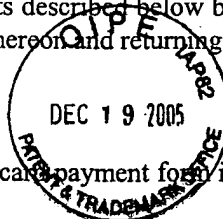
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Typed or Printed Name of Person Mailing Paper or Fee: Shirley Fajardo

Signature: Shirley Fajardo

PATENT  
Docket No. P1230

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: NOEL LEE

SERIAL NO.: TO BE ASSIGNED

FILED: DECEMBER 12, 2000

FOR: APPARATUS AND METHOD FOR POWERING MULTIPLE  
PERIPHERAL DEVICES FROM A COLOR-CODED CENTRAL  
POWER SOURCE

BOX PATENT APPLICATION  
ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

**DECLARATION UNDER 37 C.F.R. 1.132**

Dear Sir:

I, Noel Lee, declare as follows:

1. I am the inventor of the subject matter of the above-identified patent application.
2. I received a Bachelor of Science degree in Mechanical Engineering in 1971 from California Polytechnic University San Luis Obispo in San Luis Obispo, California.
3. My occupational experience includes serving as Chief Executive Officer of Monster Cable Products, Inc. (1983-present) and as a Laser-Fusion Design Engineer at Lawrence Livermore Laboratories (1971-1976).

4. I have received the following honors:

Northern California Entrepreneur of the Year Award from Ernst & Young (June 23, 2000);

Distinguished Corporate Executive Award from the Asian Business League of San Francisco (June 22, 1996); and

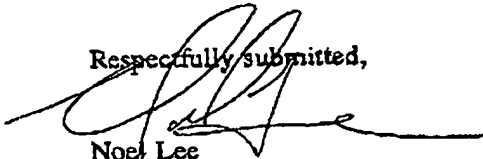
Small Business Owner of the Year Award from the San Francisco Small Business Network Dealerscope Consumer Electronics Marketplace Magazine's Hall of Fame (June 5, 1997).

5. I have invented the present invention which utilizes human factors considerations. The present invention, APPARATUS AND METHOD FOR POWERING MULTIPLE PERIPHERAL DEVICES FROM A COLOR-CODED CENTRAL POWER SOURCE, comprising a solid color-coded device having peripheral device identification, provides a solid image which is easier to see and recognize than the cited art patterned image (striped and ringed) devices, and therefore, better facilitates correct connection of the peripheral devices to each color-coded housing portion.

6. The Kensington invention, cited by the Examiner, is believed to be an attempt to copy the present invention by a former employee, engineer David Pitcher, who was employed by Monster Cable Products, Inc. from April 24, 1991 through January 28, 1994. Engineer David Pitcher was subsequently employed as a consultant to Monster Cable Products, Inc. for approximately one year thereafter (i.e., ~ January 1995). David Pitcher had full access to Monster Cable Products' proprietary information regarding conception and reduction to practice of the present invention (See hereto attached Exhibit A containing a proprietary drawing of the present invention signed by David Pitcher and dated July 28, 1994). Therefore, the invention is believed to have been commonly owned at the time the invention was made. David Pitcher has been subsequently employed by Kensington and was directly involved in the subsequent development of the cited Kensington SmartSockets Strip Model and Adapter Model.

7. A need for a solid color-coded central power source has been long felt in the electronic components industry. Although stymied by the peripheral device connection confusion imparted by plain plug strips, the industry had made no progress toward any solution to the problem. No other manufacturer has been known to have made a solid color-coded central power supply having peripheral device identification prior to my invention. Further, the present invention is currently experiencing record sales and has dominated the market sector in the area of plug strips both domestically and in Asia. In addition, two large retailers, Good Guys™ and Sound Advice™ have completely discontinued sales of the competitor's plug strip (Panamax™) and are exclusively carrying only the present invention central power supply (See Exhibit B containing Monster Cable Products, Inc.'s sales figures; also see herewith submitted Declaration under Rule 132 of Karen Johnson for Good Guys, Inc.).
8. I further declare that all statements made herein of my own knowledge are true and that all statements made on information are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-references application or any patent issuing thereon.

Respectfully submitted,

  
Noel Lee  
Chief Executive Officer  
Monster Cable Products, Inc.

Date: Nov. 16, 2000

NL:mld  
November 16, 2000  
LARIVIERE, GRUBMAN & PAYNE, LLP  
Post Office Box 3140  
Monterey, CA 93942  
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PATENT  
Docket No. P1230

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: NOEL LEE

SERIAL NO.: TO BE ASSIGNED

FILED: DECEMBER 12, 2000

FOR: APPARATUS AND METHOD FOR POWERING MULTIPLE  
PERIPHERAL DEVICES FROM A COLOR-CODED CENTRAL  
POWER SOURCE

BOX PATENT APPLICATION  
ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

**DECLARATION UNDER 37 C.F.R. 1.131(a)**

Dear Sir:

I, Noel Lee, declare as follows:

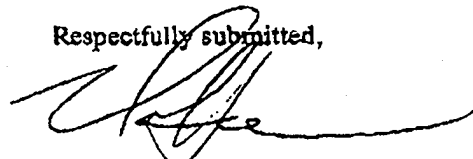
1. I am the inventor of the subject matter of the above-identified patent application.
2. I received a Bachelor of Science degree in Mechanical Engineering in 1971 from California Polytechnic University San Luis Obispo in San Luis Obispo, California.
3. My occupational experience includes serving as Chief Executive Officer of Monster Cable Products, Inc. (1983-present) and as a Laser-Fusion Design Engineer at Lawrence Livermore Laboratories (1971-1976).

4. I have received the following honors:  
Northern California Entrepreneur of the Year Award from Ernst & Young (June 23, 2000);  
Distinguished Corporate Executive Award from the Asian Business League of San Francisco (June 22, 1996); and  
Small Business Owner of the Year Award from the San Francisco Small Business Network Dealerscope Consumer Electronics Marketplace Magazine's Hall of Fame (June 5, 1997).
5. I have invented the present invention which utilizes human factors considerations. The present invention, entitled APPARATUS AND METHOD FOR POWERING MULTIPLE PERIPHERAL DEVICES FROM A COLOR-CODED CENTRAL POWER SOURCE, comprising a solid color-coded device having peripheral device identification, provides a solid color image which is easier to see and recognize than the cited art patterned image (striped and ringed) devices, and therefore, better facilitates correct connection of the peripheral devices to the color-coded housing areas.
6. The Kensington invention, cited by the Examiner, is believed to be an attempt to copy the present invention by a former employee, engineer David Pitcher, who was employed by Monster Cable Products, Inc. from April 24, 1991, through January 28, 1994. Engineer David Pitcher was subsequently employed as a consultant to Monster Cable Products, Inc. for approximately one year thereafter (i.e., ~ January 1995). David Pitcher had full access to Monster Cable Products' proprietary information regarding conception and reduction to practice of the present invention (See hereto attached Exhibit A containing a proprietary drawing of the present invention signed by David Pitcher and dated July 28, 1994). Therefore, the invention is believed to have been commonly owned at the time the invention was made. David Pitcher has been subsequently employed by Kensington and was directly involved in the subsequent development of the cited Kensington SmartSockets Strip Model and Adapter Model.



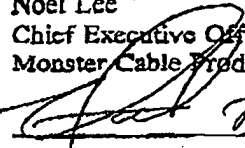
7. I conceived of the present invention in May, 1993, antedating the printed publication disclosing the Kensington invention. The first commercially viable prototype was manufactured by Monster Cable Products, Inc. in September, 1997, generally in accordance with the proprietary drawing contained in hereto attached Exhibit A.
8. I further declare that all statements made herein of my own knowledge are true and that all statements made on information are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-references application or any patent issuing thereon.

Respectfully submitted,



Noel Lee  
Chief Executive Officer  
Monster Cable Products, Inc.

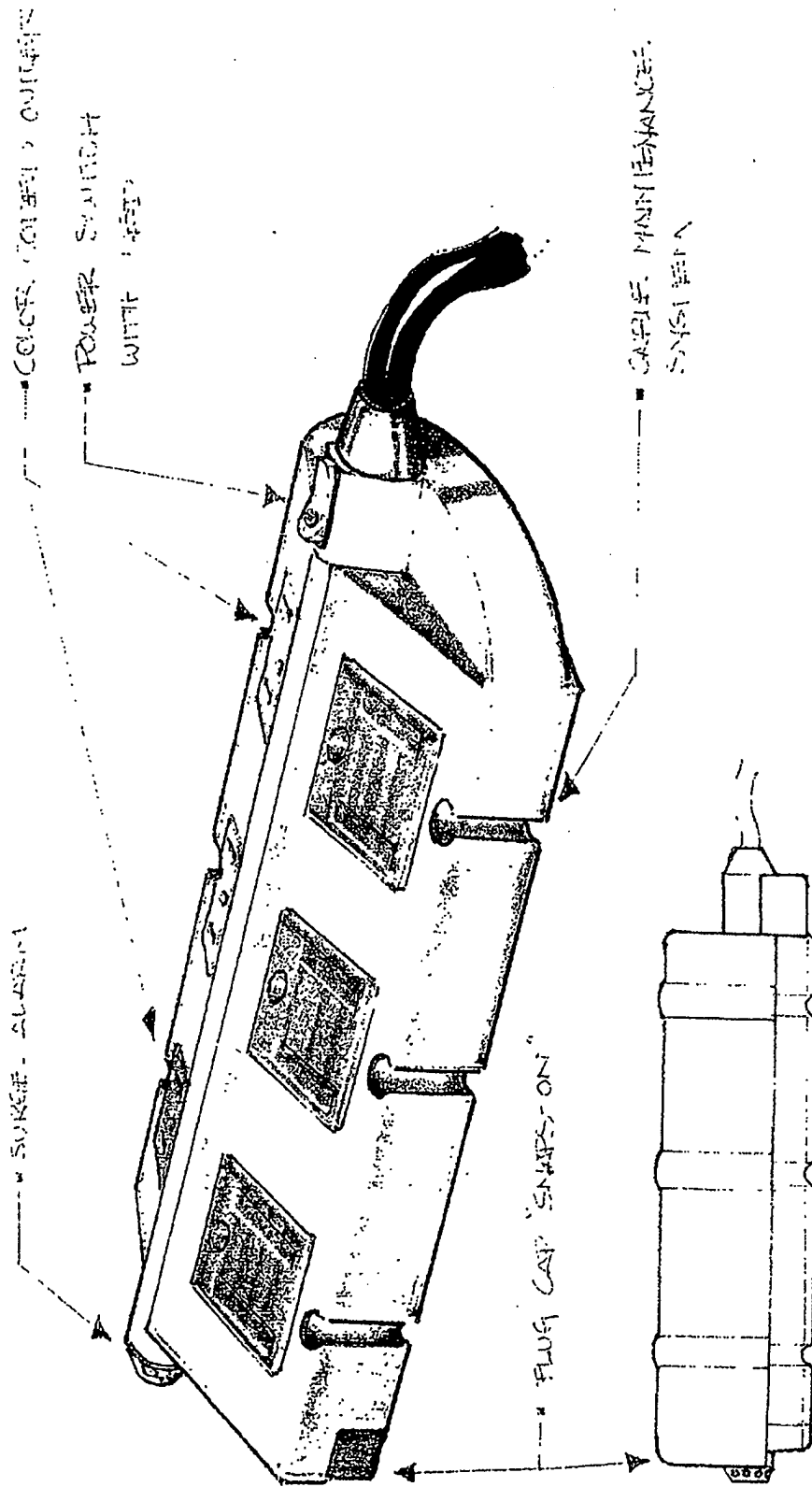
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POWER PLATE



MONSTER POWER PLATE

1964

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Signature: Shirley Fajardo

PATENT  
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APPLICANT: NOEL LEE

SERIAL NO.: TO BE ASSIGNED

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PERIPHERAL DEVICES FROM A COLOR-CODED CENTRAL  
POWER SOURCE

BOX PATENT APPLICATION  
ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

**DECLARATION UNDER 37 C.F.R. 1.132**

Dear Sir:

I, Karen Johnson, declare as follows:

1. I am employed by the Good Guys, Inc., a major retailer of the product which constitutes the subject matter of the above-identified patent application.
2. As Manager of Accessories and Media, I have been involved in the buying of the Monster product for our electronics retail chain stores.

3. A need for a solid color-coded central power source has been long felt in the electronic components retail industry. Although retail consumers have been stymied by the peripheral device connection confusion imparted by plain plug strips, the manufacturing industry had made no progress toward the Monster solution as no other manufacturer was known to have made a solid color-coded central power supply having peripheral device identification prior to the present invention. Further, the Monster product is currently experiencing record sales through our retail chain and has dominated the market sector in the area of plug strips. In addition, we have completely discontinued sales of the competitor's plug strip (Panamax™) and are exclusively carrying only the Monster color-coded central power supply (See Exhibit A containing our retail sales figures and market share data).
4. I further declare that all statements made herein of my own knowledge are true and that all statements made on information are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-references application or any patent issuing thereon.

Respectfully submitted,

Karen Johnson  
Manager of Accessories and Media  
Good Guys, Inc.

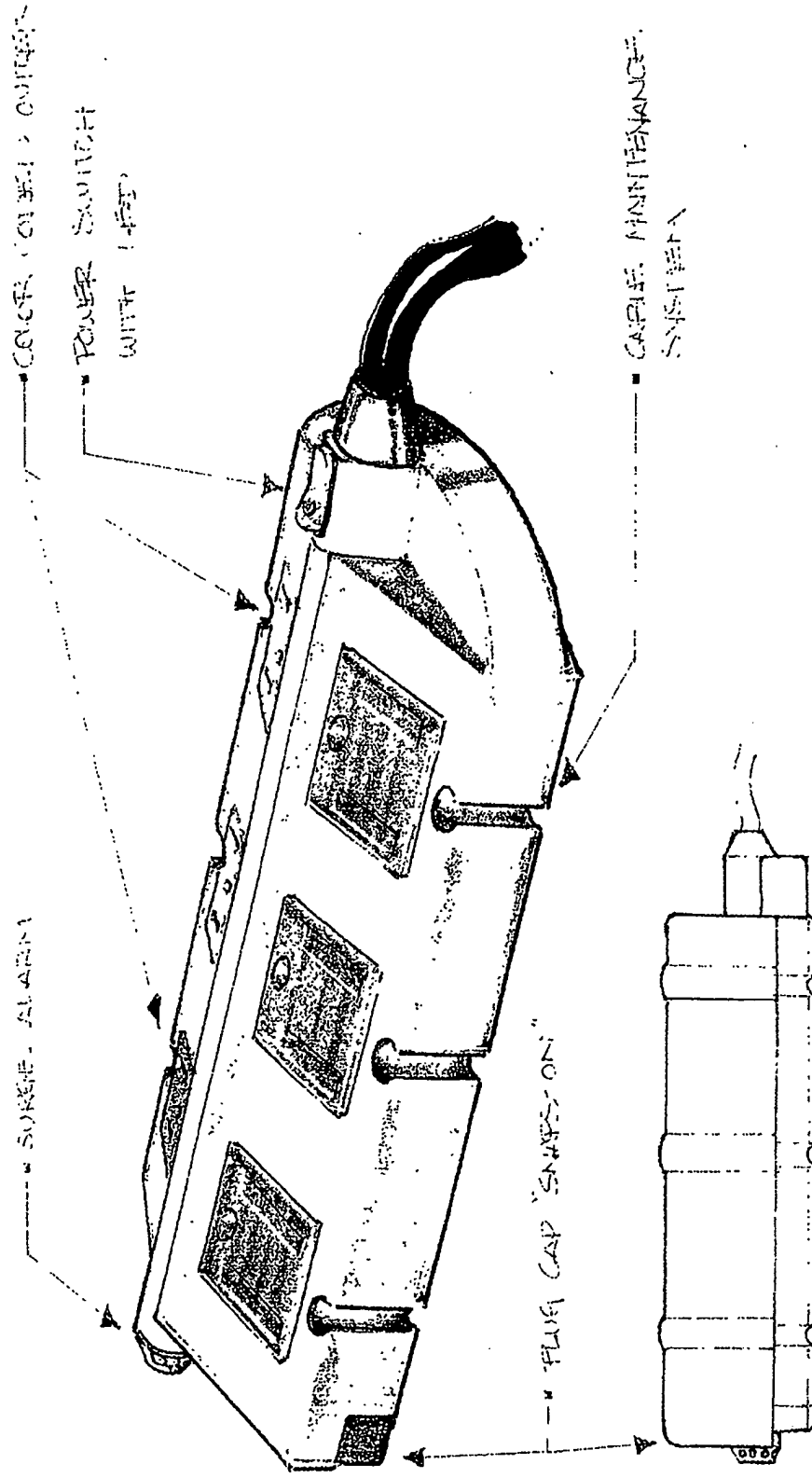
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KJ:mlid  
November , 2000  
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Post Office Box 3140  
Monterey, CA 93942  
(831) 649-8800

# EXHIBIT B

2025-2026

ORDER CODE 200



SIZE 100 x 25

MONSTER POWER PLATE

ADDITIONAL

**EXHIBIT A**

### Sales Figures by Good Guys, Inc.

Monster Cable Products, Inc.		
Model Number	No. Units Sold	Total Sales
MP AV600	13,953	\$265,349.11
MP AV800 RP	5,643	\$272,988.14
MP HT800 HP	9,877	\$744,682.61
MPHTS800 HP	2,184	\$204,776.97

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Typed or Printed Name of Person Mailing Paper or Fee: Shirley Fajardo

Signature: Shirley Fajardo

PATENT  
Docket No. P1230

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: NOEL LEE

SERIAL NO.: TO BE ASSIGNED

FILED: DECEMBER 12, 2000

FOR: APPARATUS AND METHOD FOR POWERING MULTIPLE  
PERIPHERAL DEVICES FROM A COLOR-CODED CENTRAL  
POWER SOURCE

BOX PATENT APPLICATION  
ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

**DECLARATION UNDER 37 C.F.R. 1.132**

Dear Sir:

I, Dr. Albert Mehrabian, declare as follows:

1. I am an expert in the areas of Environmental Psychology and Social Psychology.
2. I received a Bachelor of Science degree and a Masters of Science degree in Mechanical Engineering in 1961 from the Massachusetts Institute of Technology (MIT) in Cambridge, Massachusetts. Thereafter, I was awarded the degree Doctor of Philosophy in Psychology in 1964 from Clark University in Worcester, Massachusetts.

3. My occupational experience includes serving as:  
Psychology Intern, Worcester State Hospital (1963-1964);  
Consultant, Veterans' Administration (1968-1973);  
Chairman of Graduate Admissions Committee, UCLA Department of Psychology (1968-1970);  
Chairman of Staffing Committee, UCLA Department of Psychology (1987-1994);  
Assistant Professor of Psychology, UCLA Department of Psychology (1964-1970);  
Associate Professor of Psychology, UCLA Department of Psychology (1970-1976);  
Professor of Psychology, UCLA Department of Psychology (1976-1994); and  
Professor Emeritus of Psychology, UCLA Department of Psychology (1994-present).
4. My editorial experience includes serving as:  
Consulting Editor, Journal of Personality and Social Psychology (1973-1976);  
Consulting Editor, Sociometry (1974-1977);  
Member of Editorial Board, Journal of Nonverbal Behavior (1975-1986);  
Member of Editorial Board, Journal of Psycholinguistic Research (1971-1995); and  
Consulting Editor, The Journal of Psychology (1999-present).
5. My research expertise includes psychological measurement; statistical computing and theoretical analysis of complex data; authoring general theoretical models for description and measurement of personality, temperament, psychopathology, emotions, nonverbal communication, environments, or stimuli; man-environment relations (human factors); and improving worker productivity and morale.
6. My communications experience include authoring approximately 150 research publications (including 13 technical and mass market books); public speaking; teaching; and serving as a research supervisor.

7. I have received honors including:  
Mention Among 100-Most Cited Psychologists (Amer. Psych., 1978, v. 33, 1064-1082);  
One of 57 Eminent Psychologists Surveyed (Amer. Psych., May 1984, 556-559); and  
"Nonverbal Communication" book selected as a citation classic by Current Contents (1984).
8. I have evaluated the present invention and the cited art with respect to human factors. My findings are as follows:

**Psychological Significance of Solidly Colored Surfaces of High Chroma (Saturation):**

One feature of the present invention is its use of different **solid** colors of high chroma (i.e., high color saturation) to identify each power outlet on the power strip together with corresponding **solid** colors for cables and labels. Patent Number 5,775,935, in contrast, does not use solid colors, but uses color shading with colored lines or dots to identify outlets. Psychologically, there is a substantial advantage in using solid colors of high chroma (i.e., high purity or vividness of color), as in the present invention. The reason for this is that solid surfaces of a single high-chroma color elicit very high levels of arousal or attention. Put another way, solid high-chroma surfaces provide strong visual **stimulation** in humans.<sup>1</sup>

The high stimulation value of each solid high-chroma surface is also helpful when different high-chroma solid colors are juxtaposed next to one another, thereby enhancing **perceptual discrimination** or **perceptual contrast** (i.e., easy separation or distinction) of differently-colored outlets, cables, or labels from each other. Such perceptual discrimination is less likely when a common underlying color (e.g., grey) forms the background color of all outlets (e.g., what appears to be a surface that is grey, white, or black throughout, but is color shaded with diagonal lines or colored

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<sup>1</sup>Patricia Valdez and Albert Mehrabian, Effects of Color on Emotions, Journal of Experimental Psychology: General, 123, pp. 394-409 (1994).

dots drawn over the background grey, white, or black (as in Patent 5,775,935, Fig. 3; col. 5, lines 7-10) or a large solid grey center in all outlets, with each grey-centered outlet surrounded with a narrow circumference of color (as in the Kensington device).

The Kensington device uses grey as the primary surface area of each outlet, with a narrow ring of color to surround that grey. Our laboratory study of chromatic and achromatic colors showed that the visual stimulation (arousal) value of high-chroma chromatic colors exceeds that of various shades of grey (which are achromatic colors).<sup>2</sup> Accordingly, perceptual discrimination of a multiplicity of outlets, at least eight (8) as in the present invention, is enhanced when **different** chromatic colors (not greys) are used and, furthermore, such discrimination is even greater when solidly colored surfaces are used (in contrast to the cited art that, as noted supra, appears to be color shading with lines of color or colored dots over an underlying surface that is grey, white, or black).

Considering that power strips are often located in out-of-the-way places (e.g., underneath desks or tables), they tend to be unexposed to direct lighting and are, thus, poorly or dimly lit. Under conditions of dim lighting, solid high-chroma colors are easier to see (are more arousing or perceptually stimulating) than color shaded surfaces (i.e., that appears to be patterned with color lines or dots, Patent 5,775,935, supra). Solid high-chroma colors (present invention) are also easier to see than surfaces that are predominantly grey, but are merely circled by narrow rings of color (Kensington device).

#### **The Power of Easily Learned Associations, Convenience, Flexibility & Ease of Use:**

In the best tradition of Human Factors Engineering, the present invention also enhances intuitive learning of **associations**. Same-colored and solidly-colored (a) outlets, (b) cables, (c) labels, and (d) adhesive color markers, together, form an easy, rapid, and highly intuitive set of associations which facilitate learning, remembering, and usage, as are provided by the present invention.

Overall, in contrast to the cited art, the present invention enhances **convenience**

---

<sup>2</sup>*Id.*

(e.g., includes all necessary components: color-coded power strip, color cables, color labels, self-adhesive color markers that can be retrofittably attached to existing cables and to other peripheral devices). The present invention also incorporates enhanced **flexibility** (i.e., customized power strips that can include at least eight (8) outlets, ability to retrofit existing equipment and cables).

#### **Applicability of Principles of Gestalt Theory to Present Invention:**

"Gestalt" in German means "organized whole." Gestalt theory was developed by Wolfgang Kohler, Kurt Koffka, and Max Wertheimer in the early 1900s to emphasize the fact that when several elements are combined into an **organized whole**, the total effect of the combination (the whole or totality) exceeds the sum of the effects of its parts.<sup>3</sup> Gestalt theory was applied to psychological studies of perception and is applicable to the present invention. For example, when a light source is placed on the rim of a wheel that is rolling along a flat surface, the perception is one of a succession of lighted inverted semi-circles. Also, when a light source is placed in the center of a wheel that is rolling along a flat surface, the perception is of a single dot of light that is moving horizontally. However, when a light source is placed on the rim and another light source is placed at the center of the wheel and the wheel rolls on a flat surface, one does not see those two separate elements, but instead sees a wheel that has a lit rim and lit center.

The point of Gestalt theory is that humans mentally process the parts into an organized whole that is substantially different from the parts and exceeds the effects of the parts. In the present invention, the elements (features) similarly form a whole that is greater than the sum of the features treated separately. The features are:

- a. color coding of the power strip using **solid** colors for each power outlet;
- b. power cords in solid colors to correspond to the colors in the power strip or, alternatively, colored stickers that can be attached to existing power cords supplied by manufacturers;

---

<sup>3</sup>Lyle E. Bourne and Bruce R. Ekstrand, *Psychology: Its Principles and Meanings* 3<sup>rd</sup> Ed., pp. 24-25, Holt, Rinehart and Winston (1979).

- c. colored labels for retrofitting an existing power strip or, alternatively, colored stickers with labels that can be attached to existing cords and/or equipment; and
- d. at least eight (8) power outlets in conjunction with corresponding different solid colors for each outlet, this being a feature distinct from a fixed number of 4 power outlets of Patent 5,775,935.

Although some aspects of the elements can be found in the cited art, no reference nor combination of references teach, motivate, or suggest the present invention's common intuitive scheme comprising different-colored outlets, matching colored cords, matching colored labels with indicia, and matching colored adhesive markers that together form a powerful human factors matrix of psychological associations.

Importantly, from the standpoint of Gestalt Theory, the present invention incorporates a system of mutually reinforcing associations that is founded on the use of color. Use of high-chroma solid colors (rather than the cited art color rings around grey outlets and the cited art that appears to be color shading against a grey, white, or black background) in this scheme facilitates rapid and intuitive association of each peripheral device, its cable, and its outlet on the basis of a single, distinctive, and high-chroma color that stands apart from colors used for the remaining devices and their connectors. The preferred scheme maintains all of the foregoing elements within it. Thus, none of the cited references teach, motivate, or suggest the present invention combination of elements nor its development and use color as an overarching organizing principle. On the basis of these distinctions, the present invention provides a unique human factors feature for facilitating its electronic utility.

#### **Conclusion:**

Thus, the present invention, entitled APPARATUS AND METHOD FOR POWERING MULTIPLE PERIPHERAL DEVICES FROM A COLOR-CODED CENTRAL POWER SOURCE, comprising a solid color-coded device having peripheral device identification, constitutes a solid color image which requires far less mental processing than required by the cited art that appears to be patterned color image (striped and ringed) devices, and therefore, provides superior visual perception, mental recognition, and mental retention of associations between each peripheral device and its corresponding housing portion.

9. I further declare that all statements made herein of my own knowledge are true and that all statements made on information are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-references application or any patent issuing thereon.

Respectfully submitted,



Albert Mehrabian, Ph.D.

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November , 2000  
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### Smarter strip

*U.S. News & World Report*; Washington; May 5, 1997; Leonard Wiener;

Volume: 122

Issue: 17

Start Page: 78

ISSN: 00415537

Subject Terms: Electrical equipment

Product Names: Kensington SmartSockets Adapter Model

Companies: Kensington Technology Group

**Abstract:**

*The Adapter Model line of SmartSockets strips from Kensington Technology are reviewed.*

**Full Text:**

*Copyright U.S. News and World Report May 5, 1997*

The question is why power strips haven't been designed this way all along. The six outlets on the Adapter Model line of SmartSockets strips from Kensington Technology face out and are spaced widely apart so that no sockets are blocked by those ubiquitous AC adapters. Other nice touches: The outlets are color coded, with colored labels supplied, to identify power cords quickly; the on-off switch is recessed to prevent accidental turnoffs, and the strip's plug is right-angled to fit into tight spots. The strips also absorb damaging voltage surges. Prices are \$30 to \$50, depending on surge-handling capacity and other features-like an audible alarm if a surge damages the strip's protective ability.

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# ACCESSORIES

## Sony Showcases New Line In NY

**A**t its recent Product Showcase held in New York City, Sony displayed a number of new accessories, including wearable stereo speakers, a portable stereo speaker, wireless headphones, and noise-canceling headphones and earbuds.

The new wearable speakers, model SRS-GS70, rest on the shoulders, using the shoulder blades to help amplify the sound.

"They can be used with games where you need to have both hands free to play the game, or for additional surround sound speakers," says Masa Yamamoto, VP of Sony's Accessory Products group. They ship in June at a suggested retail price of \$99.95.

**Yamamoto pointed out that Sony is planning to introduce at least 30 new accessory products in fiscal 1997.**

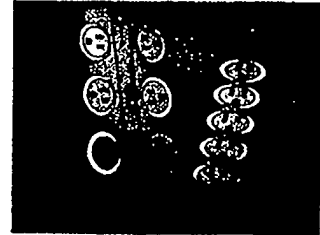
Also new from Sony is the portable stereo speaker system, model SRST1, that can be used for travel, laptop computers, or "any portable audio," Yamamoto explains.

The magnetically shielded speaker unit has tweeters and woofers that fold down and a support stand that also folds down for portability. It features a built-in 2-watt amplifier and uses AA batteries or an AC adapter.

The portable travel speaker unit measures 5 3/4 x 4 1/4 x 1 5/16 inches and ships in May at a suggested retail price of \$59.95.

Sony was also showing its 900MHz wireless speakers, which were introduced recently at \$149.94, and its noise-cancellation headphones and earbuds.

Yamamoto pointed out that Sony is planning to introduce at least 30 new accessory products in fiscal 1997. "We are looking forward to growing the business," he said. ■



## 'Designer' Surge Protectors Debut From Kensington

**S**an Mateo, Calif.-based Kensington has taken surge protection to a new level with its designer Smart Sockets line built to protect computers with modems.

The contemporary-look surge protectors feature color-coded sockets and matching identification rings to be placed on the electrical device that is plugged into it.

"The line has innovative features, great prices, and unsurpassed warranties in a nice-looking, really different product," says Beth Johnson, senior product manager of Kensington's Power Group.

Both the Strip Model and the Adapter Model come in basic, standard and premium configurations, with different joule ratings, product warranties, cord lengths and price points.

The estimated street price of the Strip Model is \$19.99 for the Basic unit, \$24.99 for the Standard, and \$29.99 for the Premium unit.

The Adapter model is expected to sell for \$29.99 for the Basic, \$39.99 for the Standard, and \$49.99 for the Premium.

The Adapter Models are designed with sockets positioned and spaced so they can accommodate up to six AC adapters without overlapping.

Both models are Internet-ready with telephone, modem or fax protection.

The Smart Sockets surge protectors are scheduled to ship in April. ■

## Naki Arms Game Players With Lunar Gun Add-On

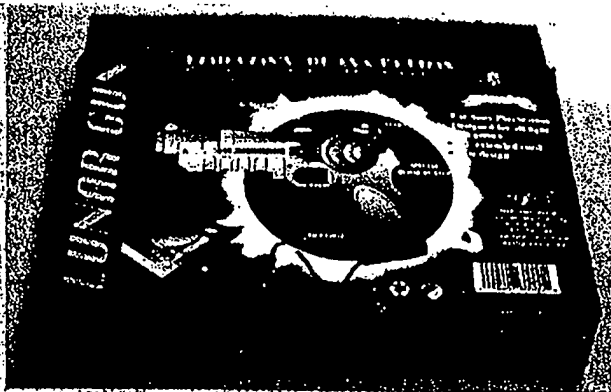
**N**aki International of Pacoima, Calif., is introducing its new Lunar Gun controller for shooting games for the Sony PlayStation and Sega Saturn systems.

Designed to help gamers draw more quickly, the Lunar Gun offers features such as auto reload to prevent the usual reloading delays in most games; autofire, which keeps firing as long as the trigger is pressed; semi autofire, which automatically fires three shots whenever the trigger is pressed; and a thumb-activated button that triggers bombs and special weapons.

Colored LEDs on the side of the gun allow users to monitor the status of the features. The packaging for the new Lunar Gun is color coordinated according to the game system.

Naki is also offering the Red Sight, a laser beam option that attaches to the gun to help gamers guide their shooting.

The Lunar Gun for PlayStation and



Naki's Lunar Gun features an optional Red Sight laser beam attachment that helps players take aim.

optional laser beam are now shipping at \$27.99 and \$29.99, respectively. A Saturn/PlayStation combo unit will be available later this spring, and a Nintendo 64 version is also coming, says

national sales manager Moe Sapito.

"You need a light gun to fully enjoy shooting games, and the Lunar Gun has the most advanced light gun features available," says Sapito. ■



Recoton's innovative R&D lab have created the latest technology in the form of a combination Radio Frequency (RF) and Infrared (IR) universal remote control. The new patented RF features advanced RF transmission with signals that travel easily through walls, doors and ceilings up to 100 feet. It also operates in compressed RF line-of-sight mode.

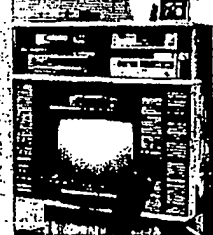
Approximate DSS satellite receiver and up to two other devices such as the VCR, video and CD players. This sleek on-the-go system is supplied with a transponder for use at a remote location.

The RSC 800 is the smarter remote that's ready to go with your lifestyle.



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## Smarter strip

*U.S. News & World Report*; Washington; May 5, 1997; [Leonard Wiener](#);

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### Abstract:

*The Adapter Model line of SmartSockets strips from Kensington Technology are reviewed.*

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## 'Designer' surge protectors debut from Kensington

Twice; New York; Apr 7, 1997; [Anonymous](#);

Source (subtitle): this week in consumer electronics

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Subject Terms: [Computers](#)

[Electricity](#)[Product introduction](#)

Companies: [Kensington Technology Group](#)

UMI Article Re. No.: TWIC-16-34

UMI Journal Code: TWIC

### Abstract:

*Kensington has introduced its designer Smart Sockets line built to protect computers with modems. The contemporary-look **surge protectors** feature **color**-coded sockets.*

# How To Relabel or Rearrange Keycaps

If you purchase a hard-wired

Dvorak keyboard, it probably has keys labeled in the Dvorak pattern, or some provision so you can rearrange the keys by yourself. But if you use software to change your existing keyboard's layout, the labels on the keycaps won't help much. There are a number of ways to fix this.

Some companies sell inexpensive keycap stickers that you can use to relabel the keys on any keyboard. Three sources I know of are Fentek Industries, Keytime, and Hooleon Corporation.

If you're really strapped for cash (or stingy, or stubborn), download [dvorcaps.pdf](#) (4K) and use Adobe's free Acrobat Reader to print it on a page of Avery 1X4-inch inkjet mailing labels (or equivalent). Cover with a layer of clear packing tape, cut 'em all out, then peel and stick 'em on. (Peeling the backing off each key label is maddening. Use an X-Acto knife and tweezers. Make sure you have clean eyeglasses and plenty of light. Practice first by splitting a few hairs lengthwise. Did I mention Fentek, Keytime, and Hooleon?)

## Caution:

*My homebrew labels were pretty easy to remove after only two months, but after six they leave a gooey residue. A different brand of label might stick harder, or sooner. Michael Skora suggests using a bit of tape to pull off adhesive goo, or using Pledge furniture polish as a relatively "safe" goo solvent. I like WD-40 lubricant, but use any solvent sparingly (i.e., a few drops on a cotton swab), and with care. Some plastics are easily damaged, so test a hidden patch first, and go slow in case the solvent starts to take off the original label. Keep in mind that if excess solvent gets into the keyswitches it will gum things up and generally void your warranty.*

For about \$5 you can get a keycap remover from Design Components or Keytime and just move the keys around. This can work OK for laptop or compact keyboards that have flat keytops, but most desktop keyboards have keycaps angled a little differently on different rows, so if you move the caps around their tops get all akimbo. Also, it might be possible to damage a keyboard doing this. (If a keyswitch comes apart, for gosh sakes don't lose the little spring!) You might want to check with the keyboard's manufacturer before trying.

(Some folks shuffle keycaps on desktop keyboards and seem happy with the arrangement, bumpy keys and all. It takes all types.)

Another option is getting an ordinary keyboard with Dvorak keycaps. This keyboard isn't hard-wired; you use it with Windows' software keyboard setting (and/or a DOS Dvorak program if you use DOS). The vendor I know of is Fentek Industries.

A few keyboard types have two-layer keys. You can pop off the outer keycaps and move them around without much trouble. Certain IBM keyboards and (I'm told) the Keytronic "Custom" model are built this way, and perhaps others. But, by itself, being able to move the keycaps around might not be worth the cost of a new keyboard.

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Visits to this page since 9 February 2002:

Original page established: 25 February 1996

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Back to [Introducing the Dvorak Keyboard](#).

Marcus Brooks -- 18 May 1999

**EVIDENCE APPENDIX:**

**EXHIBIT A**

**USPTO PAIR SYSTEM CASE STATUS PRINTOUT (January 24, 2005)**

**EXHIBIT B**

**USPTO PAIR SYSTEM CASE STATUS PRINTOUT (January 25, 2005)**

**EXHIBIT C**

**EVIDENCE OF RELATED ENTITY FOR PRIMARY CITED REFERENCE**

1. [Http://tile.net/vendors/index.php?v\\_id=1235](http://tile.net/vendors/index.php?v_id=1235) (web page containing information as to parent/subsidiary relationship of the Dwight reference).

**COMPARATIVE DRAWINGS**

1. Present Invention (3 pages)
2. Dwight (4 page)
3. Barna (2 page)
4. Prior Art Plain Plug Strip Problems
5. Present Invention Solid Color Coded Plug Strip Solutions



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09/735,697

Apparatus and method for powering multiple peripheral devices color-coded central power source

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Date	Contents Description					
11-15-2004	Notice of Allowability					
11-15-2004	Date Forwarded to Examiner					
11-12-2004	Response after Non-Final Action					
11-15-2004	Correspondence Address Change					
10-28-2004	Mail Notice of Informal or Non-Responsive Amendr					
10-28-2004	Date Forwarded to Examiner					
09-22-2004	Supplemental Response					
09-22-2004	Workflow incoming amendment IFW					
07-13-2004	Case Docketed to Examiner in GAU					
05-15-2004	IFW TSS Processing by Tech Center Complete					
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03-26-2004	Request for Extension of Time - Granted					
05-12-2004	Mail Examiner Interview Summary (PTOL - 413)					
05-10-2004	Examiner Interview Summary Record (PTOL - 413)					
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12-14-2003	Case Docketed to Examiner in GAU					
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11-26-2003	Non-Final Rejection					
06-04-2003	Date Forwarded to Examiner					
05-13-2003	Appeal Brief Filed					
12-11-2001	Notice of Appeal Filed					
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02-13-2003	Letter Restarting Period for Response (i.e. Letter re
01-16-2003	Mail Final Rejection (PTOL - 326)
01-13-2003	Final Rejection
05-22-2002	Examiner Interview Summary Record (PTOL - 413)
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02-16-2002	Date Forwarded to Examiner
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12-11-2001	Notice of Appeal Filed
11-05-2001	Mail Final Rejection (PTOL - 326)
11-02-2001	Final Rejection
10-16-2001	Date Forwarded to Examiner
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08-27-2001	Final Rejection
07-03-2001	Date Forwarded to Examiner
06-26-2001	Response after Non-Final Action
03-27-2001	Mail Non-Final Rejection
03-26-2001	Non-Final Rejection
12-12-2000	Preliminary Amendment
03-09-2001	Case Docketed to Examiner in GAU
03-01-2001	Application Dispatched from OIPE
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09/735,697 Apparatus and method for powering multiple peripheral devices from color-coded central power source

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02-13-2003	Mail Notice of Restarted Response Period
02-13-2003	Letter Restarting Period for Response (i.e. Letter re: References)
01-16-2003	Mail Final Rejection (PTOL - 326)
01-13-2003	Final Rejection
05-22-2002	Examiner Interview Summary Record (PTOL - 413)
11-22-2002	Date Forwarded to Examiner
09-05-2002	Response after Non-Final Action
09-05-2002	Request for Extension of Time - Granted
05-06-2002	Mail Non-Final Rejection
05-03-2002	Non-Final Rejection
02-16-2002	Date Forwarded to Examiner
02-08-2002	Appeal Brief Filed
12-11-2001	Notice of Appeal Filed
11-05-2001	Mail Final Rejection (PTOL - 326)
11-02-2001	Final Rejection
10-16-2001	Date Forwarded to Examiner
10-05-2001	Amendment after Final Rejection
08-28-2001	Mail Final Rejection (PTOL - 326)
08-27-2001	Final Rejection
07-03-2001	Date Forwarded to Examiner
06-26-2001	Response after Non-Final Action
03-27-2001	Mail Non-Final Rejection
03-26-2001	Non-Final Rejection
12-12-2000	Preliminary Amendment
03-09-2001	Case Docketed to Examiner in GAU
03-01-2001	Application Dispatched from OIPE
02-26-2001	Correspondence Address Change
01-02-2001	IFW Scan & PACR Auto Security Review
12-12-2000	Initial Exam Team nn

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Description :

Address : 2855 Campus Drive San Mateo, CA

State : CO

Zip : 94403

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Email : [info@kensington.com](mailto:info@kensington.com)

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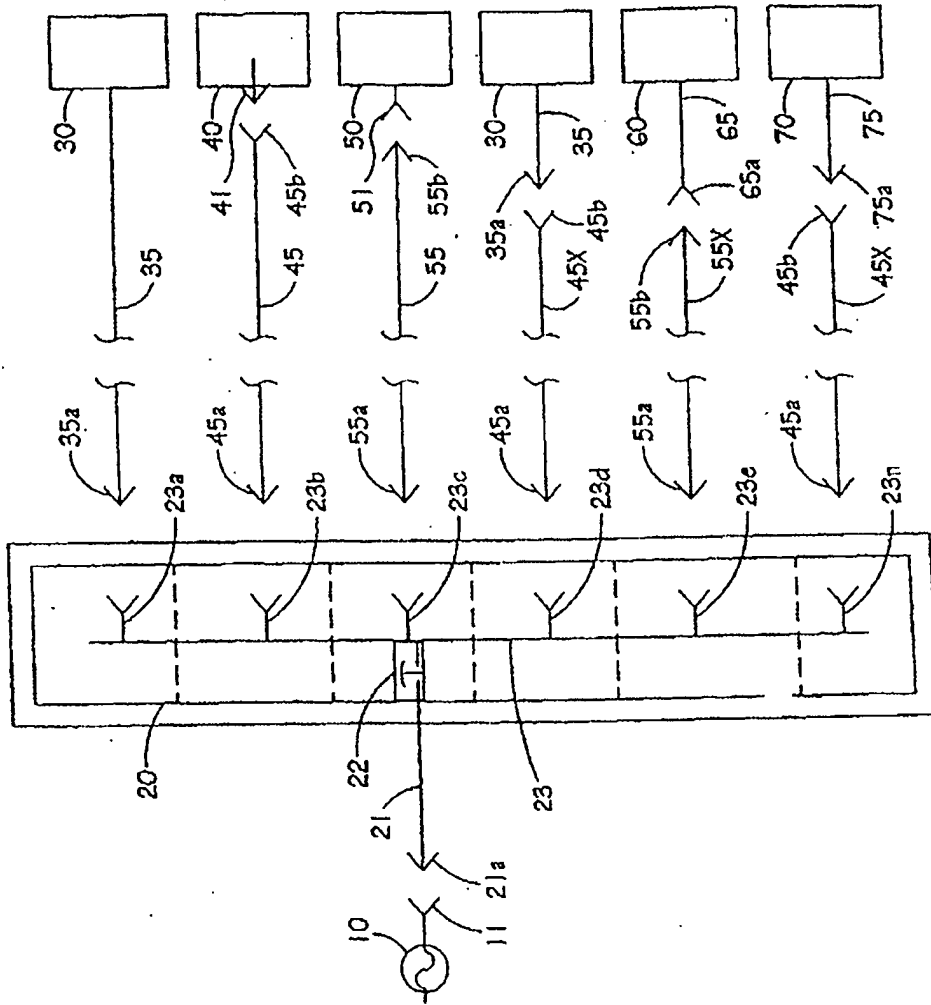


Figure 1  
(Prior Art)

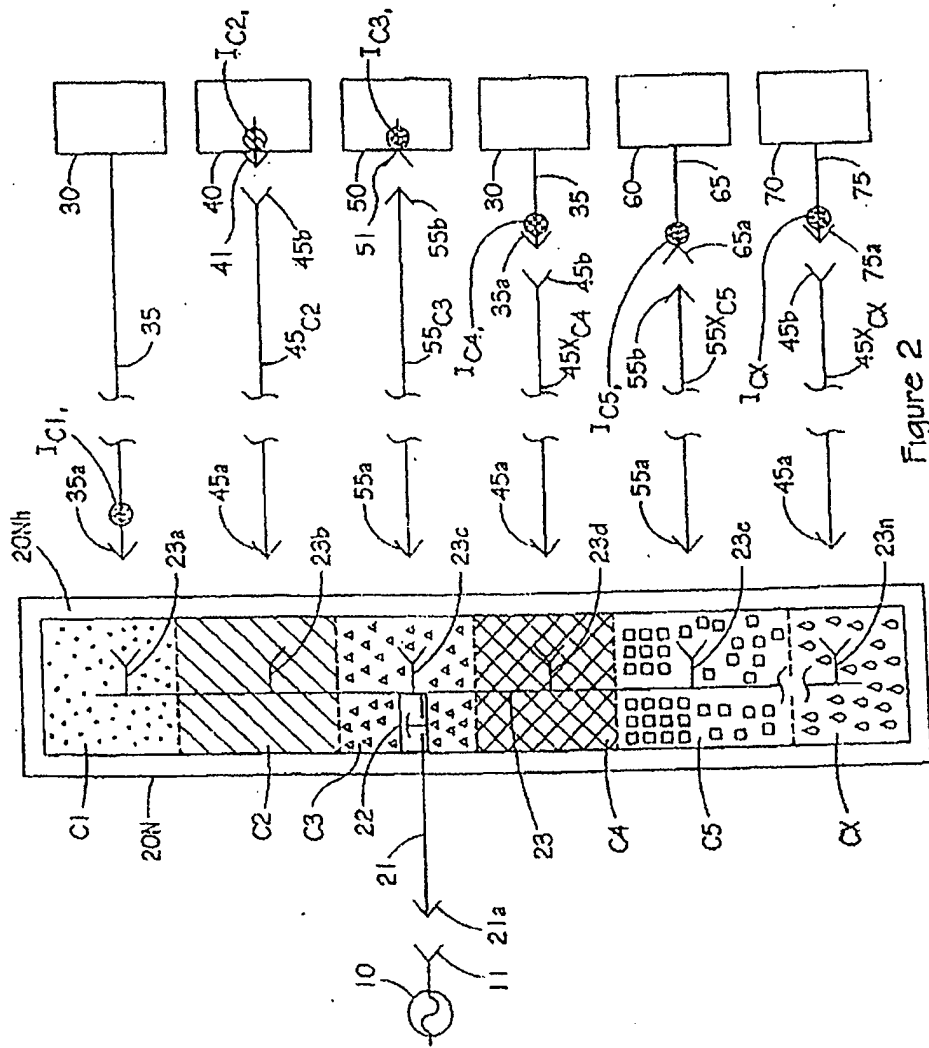


Figure 2

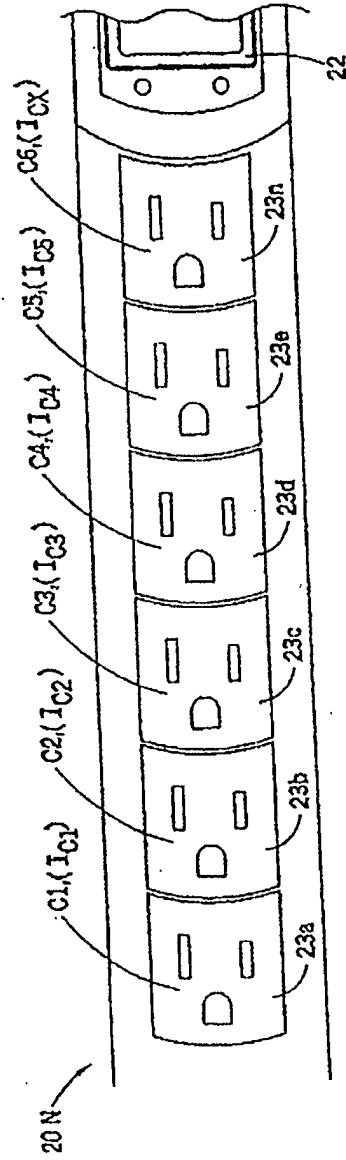


Figure 3



US00D401220S

**United States Patent** [19]

Dwight et al.

[11] Patent Number: Des. 401,220

[45] Date of Patent: \*\*Nov. 17, 1998

## [54] POWER STRIP

5,429,518 7/1995 Chen ..... 439/188

[75] Inventors: Mark M. Dwight, Palo Alto; Robert M. Bruce, San Francisco, both of Calif.; Curt G. Bingham, Salt Lake City, Utah

Primary Examiner—Susan J. Lucas  
Assistant Examiner—Jennifer Rivard  
Attorney, Agent, or Firm—Townsend and Townsend and Crew LLP

[73] Assignee: ACCO Brands, Inc., Lincolnshire, Ill.

[\*\*] Term: 14 Years

## [57] CLAIM

The ornamental design for a power strip, as shown and described.

[21] Appl. No.: 56,556

[22] Filed: Jul. 2, 1996

[51] LOC (6) Cl. .... 13-03

[52] U.S. Cl. .... D13/139.6; D13/139.8

[58] Field of Search .... D13/137.1-137.4,  
D13/139.1-139.8; 439/622, 620, 638, 214,  
215, 650, 651, 652, 653, 107, 502, 535,  
76.1; 307/141; 200/51.11; 361/115, 118,  
119

## [56] References Cited

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3,353,137 11/1967 Miller ..... 439/107  
5,350,310 9/1994 Chen ..... 439/188

## DESCRIPTION

FIG. 1 is a perspective view of a power strip showing our new design;

FIG. 2 is a top plan view thereof;

FIG. 3 is a front elevational view thereof;

FIG. 4 is a rear elevational view thereof;

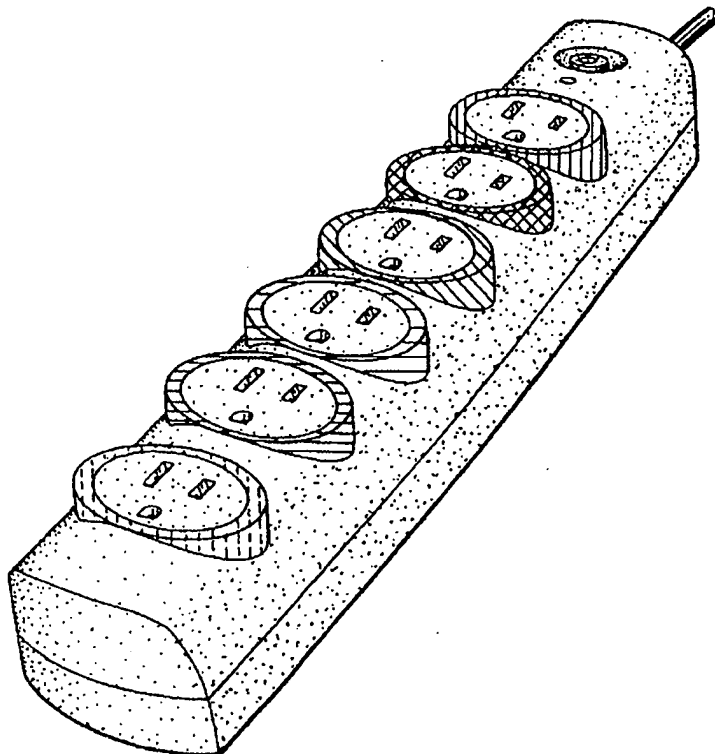
FIG. 5 is a right side elevational view, the left side elevational view being a mirror image;

FIG. 6 is a bottom plan view thereof; and,

FIG. 7 is a perspective view of a power strip showing an alternate embodiment of our new design.

The second embodiment differs from the first only by the phone jacks on the front surface.

1 Claim, 3 Drawing Sheets



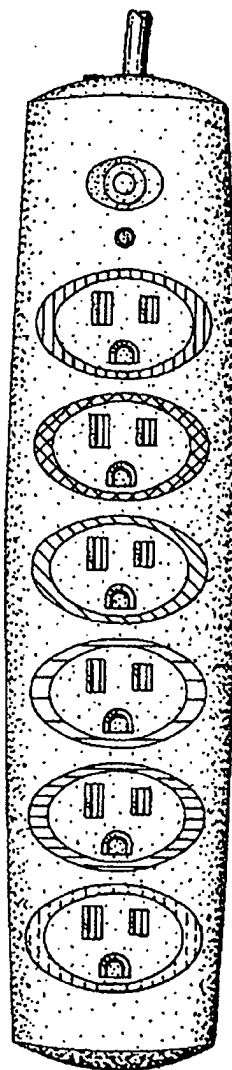


FIG. 2.

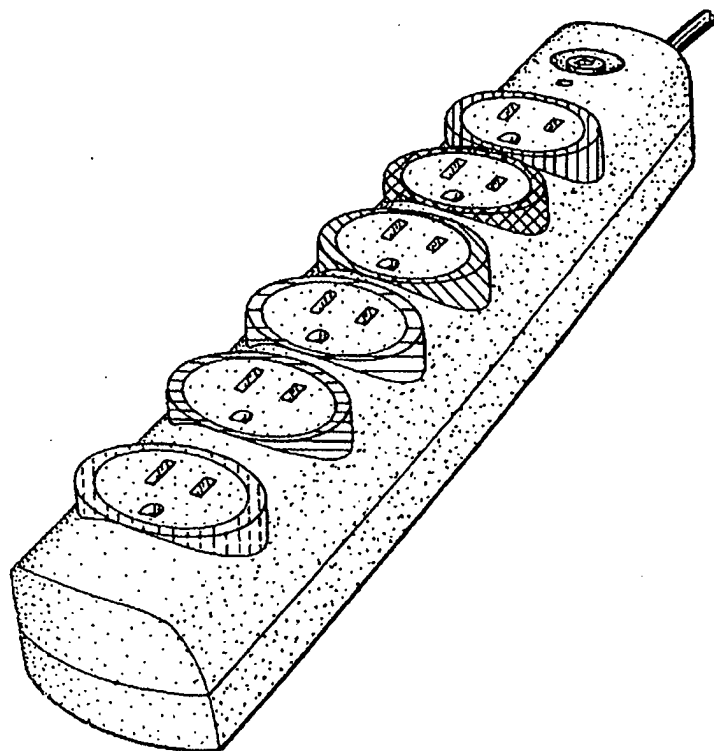


FIG. 1.

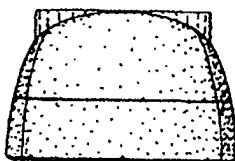


FIG. 3.

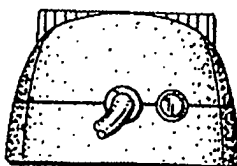


FIG. 4.

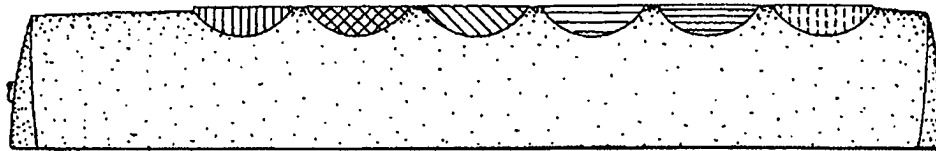


FIG. 5.

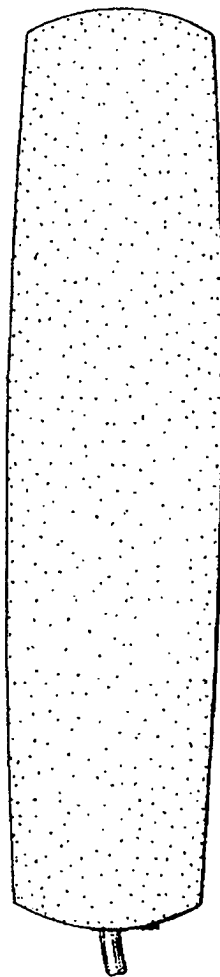


FIG. 6.



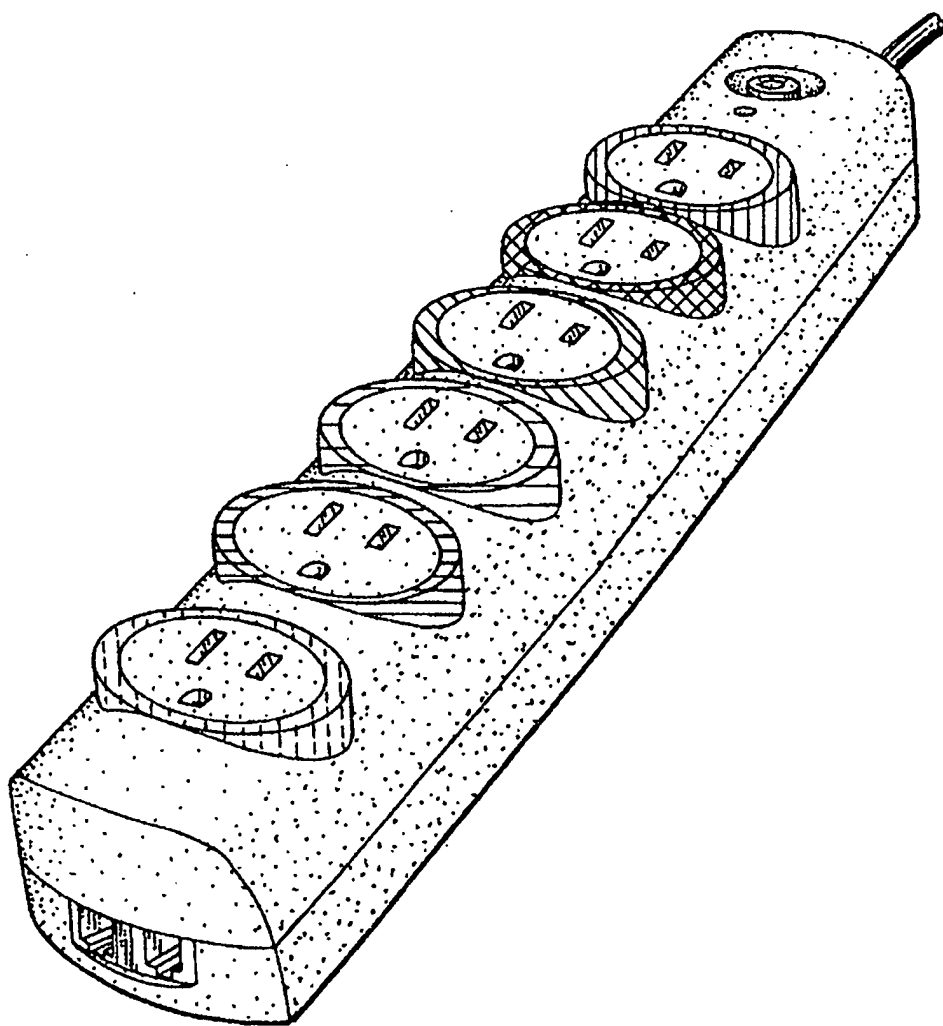


FIG. 7.



US005775935A

## United States Patent [19]

Barna

[11] Patent Number: 5,775,935

[45] Date of Patent: Jul. 7, 1998

[54] SYSTEM AND METHOD FOR CONNECTING  
COLOR CODED CABLES TO A DEVICE

[75] Inventor: Joseph A. Barna, Marietta, Ga.

[73] Assignee: Computer Data Exchange, Inc.,  
Marietta, Ga.

[21] Appl. No.: 769,456

[22] Filed: Dec. 18, 1996

[51] Int. CL<sup>6</sup> ..... H101R 9/22

[52] U.S. Cl. .... 439/488; 439/491; 174/112

[58] Field of Search ..... 439/488-491;  
174/112; 40/316

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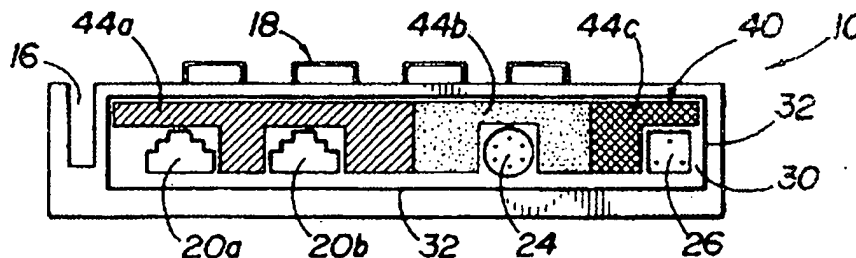
6338364 12/1994 Japan.

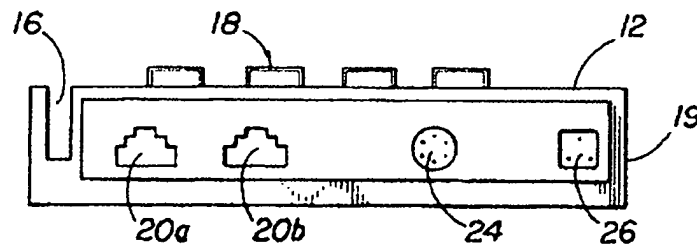
Primary Examiner—Hien Vu

## [57] ABSTRACT

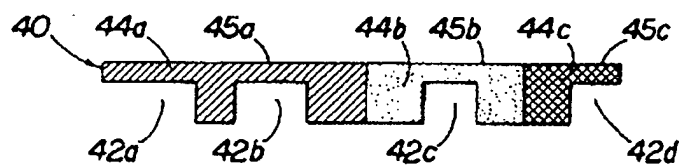
The present invention is a color coded system for associating each of a plurality of individual electrical connection ports of a transactional terminal with a particular cable designated for connection with a specific one of the ports. The system includes a device that has a plurality of electrical connection ports for receiving cables. The device has a recessed portion extending around the electrical connection ports. The recessed portion has a rim defining the boundary of the recess. The system also includes a color coded alignment strip that has a surface of colors arranged in ordered positions on the strip. The colors of the surface correspond to color coded cables. The color coded alignment strip is positioned and is aligned in the recess in a position that aligns the colors with the electrical connection ports that are to receive the color coded cables of the corresponding colors aligned with the electrical connection ports. The color coded alignment strip fits in the recess such that the surface of the alignment strip is positioned at or below the same level as the rim of the recess.

10 Claims, 2 Drawing Sheets

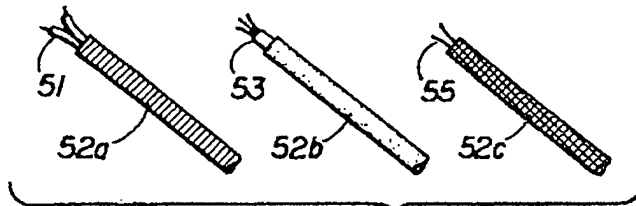




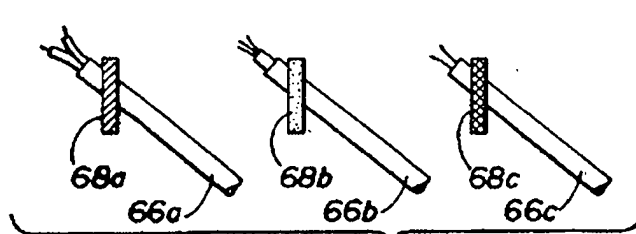
**FIG 1**



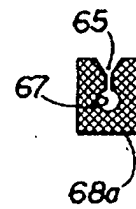
**FIG 2A**



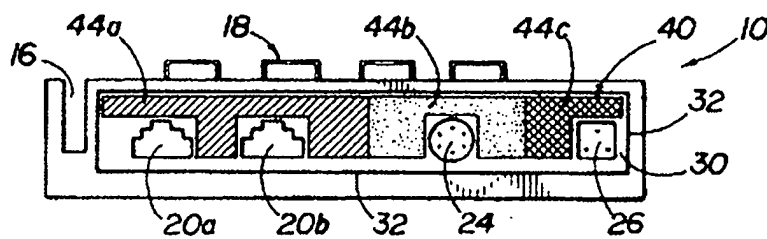
**FIG 2B**



**FIG 2C**

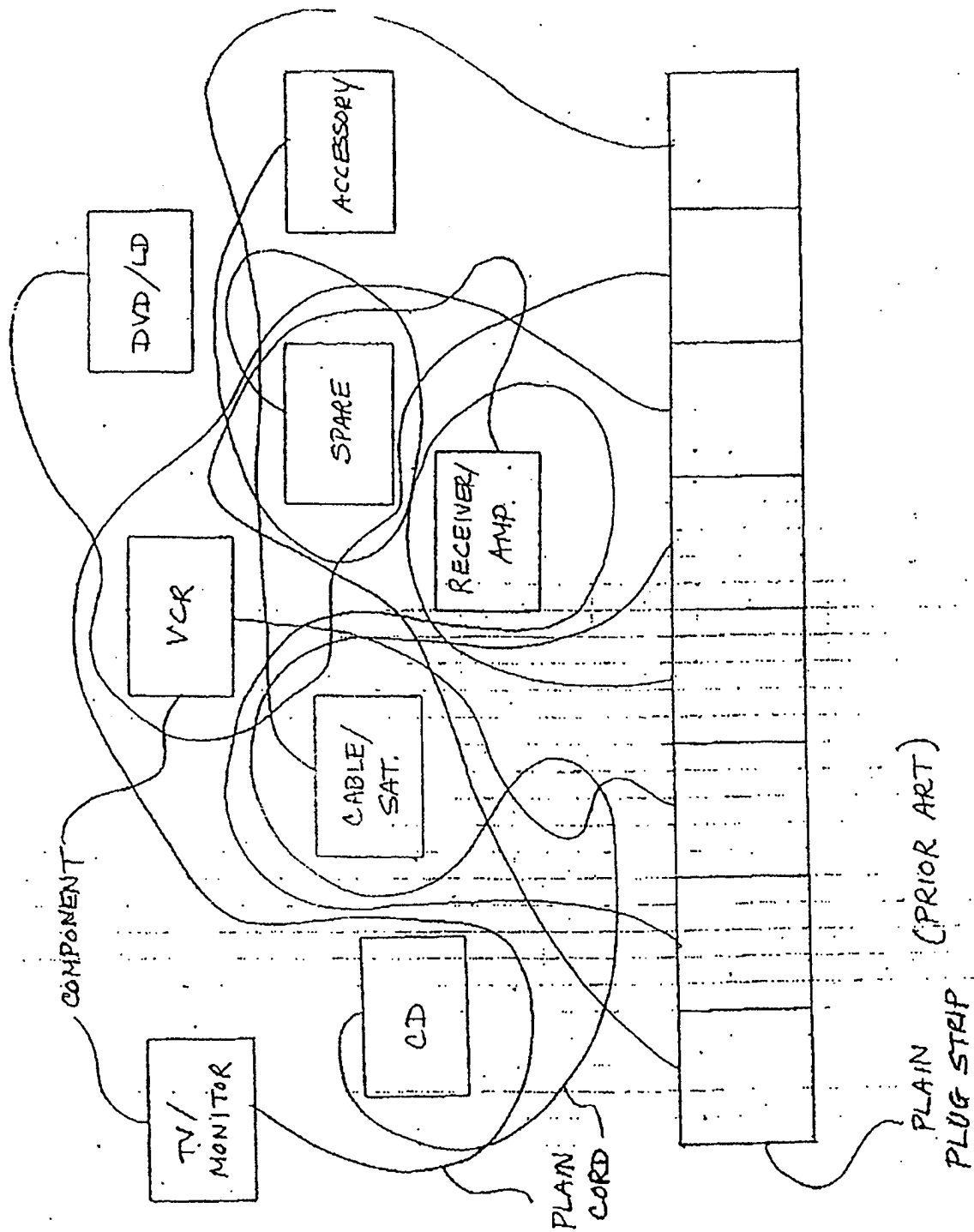


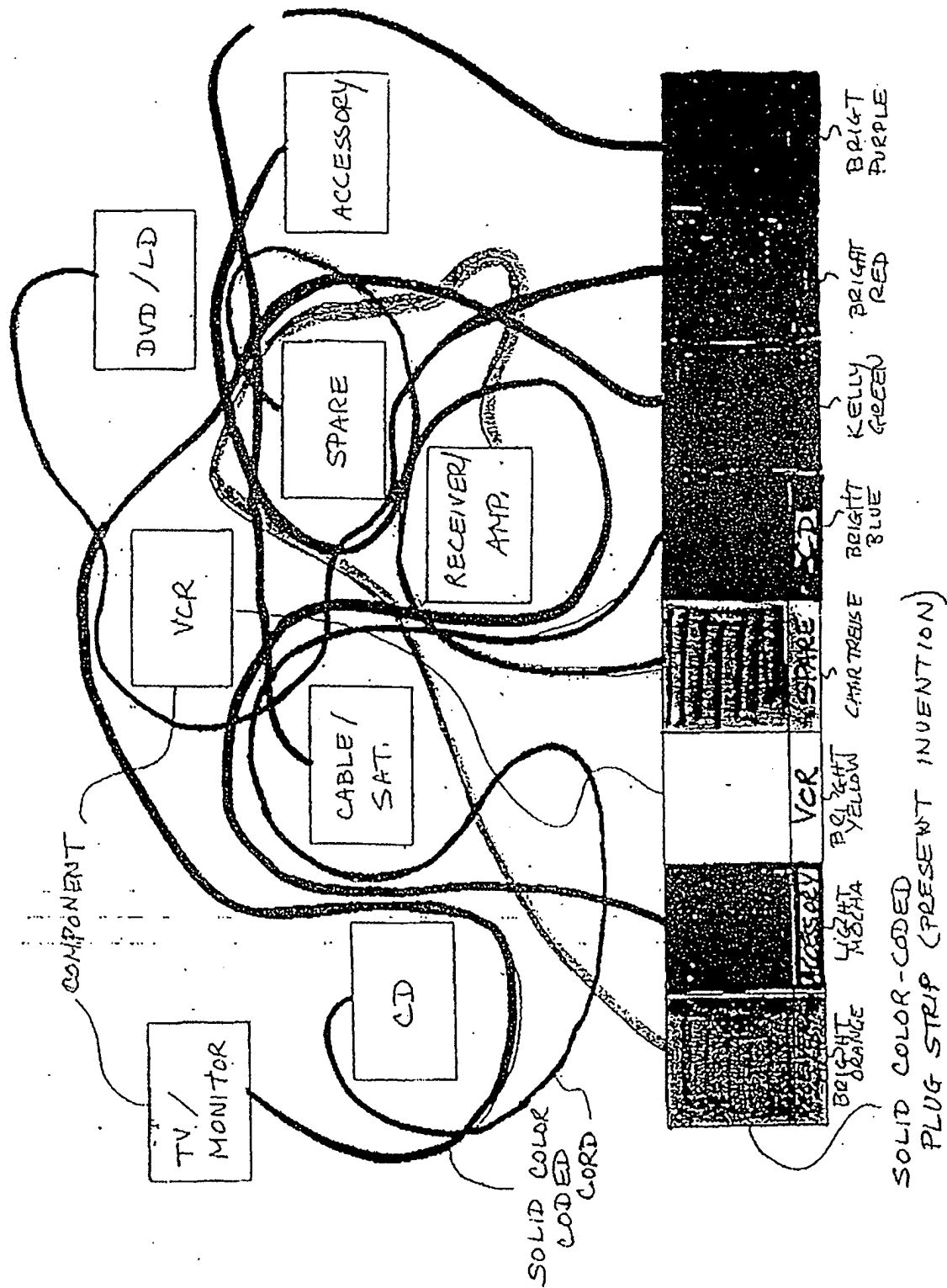
**FIG 2D**



**FIG 3**

Prior Art Plain Plug Strip Problems





Present Invention Solid Color Coded Plug Strip Solutions

## **RELATED PROCEEDINGS APPENDIX**

There are no related proceedings.